

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

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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. 68.07, F.S.;
52 requiring a set of fingerprints as part of a name change
53 petition; amending s. 943.05, F.S.; authorizing the
54 department to retain fingerprints in certain circumstances
55 and use retained fingerprints for certain purposes;
56 providing for an annual fee; amending s. 943.053, F.S.;

57 | requiring the department to make certain information
58 | available to judges; limiting use of information;
59 | authorizing a criminal justice agency to obtain a criminal
60 | history background check of a noncertified agency employee
61 | by submitting fingerprints to the department; requiring
62 | the department to adopt rules setting a fee for conducting
63 | the criminal history background search and establishing
64 | procedures; requiring that the criminal history check be
65 | provided by the department in certain circumstances;
66 | amending s. 943.0585, F.S.; prohibiting a court from
67 | expunging a criminal history record containing certain
68 | sexual offenses or certain offenses that require
69 | registration as a sexual offender; requiring a valid
70 | certificate of eligibility for expunction in a petition to
71 | expunge a criminal history record; specifying the time
72 | during which a certificate of eligibility for expunction
73 | is valid; requiring that a trial may not have occurred in
74 | order for a person to obtain a statement from the state
75 | attorney authorizing the expunction of a criminal record;
76 | authorizing a person who has secured a prior sealing or
77 | expunction of a criminal history record to seek a
78 | certificate of eligibility for expunction if the criminal
79 | history record was previously sealed for a certain number
80 | of years and is otherwise eligible for expunction;
81 | providing that a person who is seeking authorization for
82 | employment within or access to a seaport may not deny or
83 | fail to acknowledge arrests covered by expunged records;
84 | providing that the department may acknowledge expunged

85 | criminal history records under certain circumstances;
86 | amending s. 943.059, F.S.; enumerating certain sexual
87 | offenses and offenses that require registration as a
88 | sexual offender which may not be sealed; requiring a valid
89 | certificate of eligibility for sealing in a petition to
90 | seal a criminal history record; specifying the period
91 | during which a certificate of eligibility for sealing is
92 | valid; providing that the information contained in a
93 | sealed criminal record is available to a criminal justice
94 | agency for the purpose of conducting a criminal history
95 | background check for approval of a firearms purchase or
96 | transfer; prohibiting a person from denying arrests
97 | covered by his or her sealed criminal record when
98 | attempting to purchase a firearm; providing that a person
99 | who is seeking authorization for employment within or
100 | access to a seaport may not deny or fail to acknowledge
101 | arrests covered by sealed records; providing that the
102 | department may acknowledge sealed criminal history records
103 | under certain circumstances; amending s. 943.13, F.S.;
104 | requiring the department to enter fingerprints into a
105 | statewide automated fingerprint identification system;
106 | requiring the department to search each arrest fingerprint
107 | card received against fingerprints retained in the
108 | statewide automated fingerprint identification system;
109 | providing for refingerprinting by a certain date; amending
110 | ss. 943.1715 and 943.1716, F.S.; deleting the minimum
111 | number of hours required for basic skills training and
112 | continued employment training relating to diverse

113 | populations for law enforcement officers; repealing s.
114 | 943.2569, F.S., relating to an annual financial audit of
115 | criminal justice selection centers; amending s. 943.257,
116 | F.S.; authorizing the Criminal Justice Standards and
117 | Training Commission and the advisory board of a criminal
118 | justice selection center to inspect and copy any documents
119 | from a center in order to carry out oversight
120 | responsibilities, including documents pertaining to any
121 | internal or independent audits; amending s. 943.401, F.S.;
122 | requiring the department to investigate all public
123 | assistance that is provided by the state; requiring public
124 | assistance recipients to consent in writing to an
125 | investigation into their employment and financial
126 | histories by the Agency for Workforce Innovation;
127 | requiring the department to report the results of the
128 | investigations to the Agency for Workforce Innovation;
129 | authorizing the department to purchase goodwill and
130 | promotional materials; limiting the annual amount of such
131 | expenditures; prohibiting the unauthorized use of the
132 | department's emblems and names; providing a penalty;
133 | providing effective dates.

134 |
135 | Be It Enacted by the Legislature of the State of Florida:

136 |
137 | Section 1. Effective February 1, 2006, paragraph (a) of
138 | subsection (2) of section 790.065, Florida Statutes, is amended
139 | to read:

140 | 790.065 Sale and delivery of firearms.--

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

144 (a) Review criminal history records and other records that
145 have been provided to the department to determine if the
146 potential buyer or transferee:

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

149 2. Has been convicted of a misdemeanor crime of domestic
150 violence, and therefore is prohibited from purchasing a firearm;
151 ~~or~~

152 3. Has had adjudication of guilt withheld or imposition of
153 sentence suspended on any felony or misdemeanor crime of
154 domestic violence unless 3 years have elapsed since probation or
155 any other conditions set by the court have been fulfilled or
156 expunction has occurred; or-

157 4. Has been adjudicated mentally defective or has been
158 committed to a mental institution by a court and as a result is
159 prohibited by federal law from purchasing a firearm.

160 a. As used in this subparagraph, "adjudicated mentally
161 defective" means a determination by a court that a person, as a
162 result of marked subnormal intelligence, or mental illness,
163 incompetency, condition, or disease, is a danger to himself or
164 herself or to others or lacks the mental capacity to contract or
165 manage his or her own affairs. The phrase shall include a
166 judicial finding of incapacity under s. 744.331(6)(a), an
167 acquittal by reason of insanity of a person charged with a

168 criminal offense, and a judicial finding that a criminal
169 defendant is not competent to stand trial.

170 b. As used in this subparagraph, "committed to a mental
171 institution" means involuntary commitment, commitment for mental
172 defectiveness or mental illness, and commitment for substance
173 abuse. The phrase shall include involuntary inpatient placement
174 as defined in s. 394.467, involuntary assessment and
175 stabilization under s. 397.6818, and involuntary substance abuse
176 treatment under s. 397.6957, but shall not include a person in a
177 mental institution for observation or discharged from a mental
178 institution based upon the initial review by the physician or a
179 voluntary admission to a mental institution.

180 c. In order to check for these conditions, the department
181 shall compile and maintain an automated database of persons who
182 are prohibited from purchasing a firearm based on court records
183 of adjudications of mental defectiveness or commitments to
184 mental institutions. Clerks of court are required to submit
185 these records to the department within one month of the
186 rendition of the adjudication or commitment. Reports may be
187 submitted in an automated format. The reports must, at a
188 minimum, include the name, along with any known alias or former
189 name, the sex, and the date of birth of the subject. The
190 department shall delete any mental health record from the
191 database upon request of an individual, when 5 years have
192 elapsed since the individual's restoration to capacity by court
193 order after being adjudicated an incapacitated person under s.
194 744.331, or similar laws of any other state; or, in the case of
195 an individual who was previously committed to a mental

196 institution under chapter 394, or similar laws of any other
197 state, when the individual produces a certificate from a
198 licensed psychiatrist that he or she has not suffered from
199 disability for at least 5 years prior to the date of request for
200 removal of the record. Where the department has received a
201 subsequent record of an adjudication of mental defectiveness or
202 commitment to a mental institution for such individual, the 5-
203 year timeframe would be calculated from the most recent
204 adjudication of incapacitation or commitment.

205 d. The department is authorized to disclose the collected
206 data to agencies of the Federal Government and other states for
207 use exclusively in determining the lawfulness of a firearm sale
208 or transfer. The department is also authorized to disclose any
209 applicable collected data to the Department of Agriculture and
210 Consumer Services for determination of eligibility for issuance
211 of a concealed weapons or concealed firearms license upon
212 receipt of an applicant fingerprint submission forwarded
213 pursuant to s. 790.06(6)(a). When a potential buyer or
214 transferee appeals a nonapproval based on these records, the
215 clerks of court and mental institutions shall, upon request by
216 the department, provide information to help determine whether
217 the potential buyer or transferee is the same person as the
218 subject of the record. Photographs and any other data that could
219 confirm or negate identity must be made available to the
220 department for such purposes, notwithstanding any other
221 provision of state law to the contrary. Any such information
222 which is made confidential or exempt from disclosure by law

223 shall retain such confidential or exempt status when transferred
 224 to the department.

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

227 914.25 Protective services for certain victims and
 228 witnesses.--

229 (4) (a) When a victim or witness is certified as provided
 230 in subsection (3), a law enforcement agency, in consultation
 231 with the certifying state attorney or the statewide prosecutor,
 232 may provide appropriate protective services. If a victim or
 233 witness needs to be temporarily relocated, the statewide
 234 prosecutor or the state attorney must notify the Department of
 235 Law Enforcement. The Department of Law Enforcement, in
 236 consultation with the statewide prosecutor or the state
 237 attorney, and any other law enforcement agency involved in the
 238 criminal investigation or prosecution, shall coordinate the
 239 temporary relocation of the victim or witness.

240 (b) Protective services, including temporary relocation
 241 services, may initially be provided for up to 1 year or until
 242 the risk giving rise to the certification has diminished,
 243 whichever occurs sooner. ~~If deemed necessary,~~ The statewide
 244 prosecutor or the state attorney may, at the end of the
 245 certification year, recertify a victim or witness at risk of
 246 harm for an additional period of up to 1 year or until the risk
 247 giving rise to the certification has diminished, whichever
 248 occurs first. A victim or witness at risk of harm may be
 249 certified and recertified annually as provided in this section

250 to provide a maximum of 4 years of eligibility for protective
251 services.

252 (5) The lead law enforcement agency that provides
253 protective services, as authorized in this section, may seek
254 reimbursement for its reasonable expenses from the Victim and
255 Witness Protection Review Committee, pursuant to ~~the provisions~~
256 ~~of s. 943.031.~~ This section does not prevent any law enforcement
257 agency from providing protective services at the agency's
258 expense beyond the 4-year maximum period established in this
259 section. Any such additional expenditures for protective
260 services are not eligible for the reimbursement provided in this
261 section.

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

264 937.021 Missing child reports.--

265 (3)(a) Upon receiving a request to record, report,
266 transmit, display, or release Amber Alert or Missing Child Alert
267 information from the law enforcement agency having jurisdiction
268 over the missing or endangered child, the Department of Law
269 Enforcement as the state Amber Alert coordinator; any state or
270 local law enforcement agency and the personnel of these
271 agencies; any radio or television network, broadcaster, or other
272 media representative; or any agency, employee, individual, or
273 entity is immune from civil liability for damages for complying
274 in good faith with the request, and is presumed to have acted in
275 good faith in recording, reporting, transmitting, displaying, or
276 releasing Amber Alert or Missing Child Alert information
277 pertaining to such child.

278 (b) The presumption of good faith is not overcome if a
 279 technical or clerical error is made by any such agency,
 280 employee, individual, or entity acting at the request of the
 281 local law enforcement agency having jurisdiction, or if the
 282 Amber Alert or Missing Child Alert information is incomplete or
 283 incorrect because the information received from the local law
 284 enforcement agency was incomplete or incorrect.

285 (c) This subsection or any other provision of law does not
 286 create a duty of the agency, employee, individual, or entity to
 287 record, report, transmit, display, or release the Amber Alert or
 288 Missing Child Alert information received from the local law
 289 enforcement agency having jurisdiction. The decision to record,
 290 report, transmit, display, or release information is
 291 discretionary with the agency, employee, individual, or entity
 292 receiving that information from the local law enforcement agency
 293 having jurisdiction.

294 Section 4. Section 938.07, Florida Statutes, is amended to
 295 read:

296 938.07 Driving or boating under the
 297 influence.--Notwithstanding any other provision of s. 316.193 or
 298 s. 327.35, a court cost of \$135 shall be added to any fine
 299 imposed pursuant to s. 316.193 or s. 327.35. The clerks shall
 300 remit the funds to the Department of Revenue, \$25 of which shall
 301 be deposited in the Emergency Medical Services Trust Fund, \$50
 302 shall be deposited in the Operating Criminal Justice Standards
 303 and Training Trust Fund of the Department of Law Enforcement to
 304 be used for operational expenses in conducting the statewide
 305 criminal analysis laboratory system established in s. 943.32,

306 and \$60 shall be deposited in the Brain and Spinal Cord Injury
 307 Rehabilitation Trust Fund created in s. 381.79.

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

310 938.27 Judgment for costs on conviction.--

311 (7) Investigative costs that ~~which~~ are recovered shall be
 312 returned to the appropriate investigative agency that ~~which~~
 313 incurred the expense. Such costs ~~shall~~ include actual expenses
 314 incurred in conducting the investigation and prosecution of the
 315 criminal case; however, costs may also include the salaries of
 316 permanent employees. Any investigative costs recovered on behalf
 317 of a state agency must be remitted to the Department of Revenue
 318 for deposit in the agency operating trust fund, and a report of
 319 the payment must be sent to the agency, except that any
 320 investigative costs recovered on behalf of the Department of Law
 321 Enforcement shall be deposited in the department's Forfeiture
 322 and Investigative Support Trust Fund under s. 943.362.

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

325 943.052 Disposition reporting.--The Criminal Justice
 326 Information Program shall, by rule, establish procedures and a
 327 format for each criminal justice agency to monitor its records
 328 and submit reports, as provided by this section, to the program.
 329 The disposition report shall be developed by the program and
 330 shall include the offender-based transaction system number.

331 (2) Each clerk of the court shall submit the uniform
 332 dispositions to the program or in a manner acceptable to the
 333 program. The report shall be submitted at least once a month

334 and, when acceptable by the program, may be submitted in an
335 automated format. The disposition report is mandatory for
336 dispositions relating to adult offenders only. Beginning July 1,
337 2008, a disposition report for each disposition relating to a
338 minor offender is mandatory.

339 Section 7. Subsections (2) and (5) of section 68.07,
340 Florida Statutes, are amended to read:

341 68.07 Change of name.--

342 (2) The petition shall include a set ~~copy~~ of the
343 petitioner's fingerprints taken by a law enforcement agency
344 except where a former name is being restored and be verified and
345 show:

346 (a) That petitioner is a bona fide resident of and
347 domiciled in the county where the change of name is sought.

348 (b) If known, the date and place of birth of petitioner,
349 petitioner's father's name, mother's maiden name, and where
350 petitioner has resided since birth.

351 (c) If petitioner is married, the name of petitioner's
352 spouse and if petitioner has children, the names and ages of
353 each and where they reside.

354 (d) If petitioner's name has previously been changed and
355 when and where and by what court.

356 (e) Petitioner's occupation and where petitioner is
357 employed and has been employed for 5 years next preceding filing
358 of the petition. If petitioner owns and operates a business, the
359 name and place of it shall be stated and petitioner's connection
360 therewith and how long petitioner has been identified with said
361 business. If petitioner is in a profession, the profession shall

362 | be stated, where the petitioner has practiced the profession and
 363 | if a graduate of a school or schools, the name or names thereof,
 364 | time of graduation, and degrees received.

365 | (f) Whether the petitioner has been generally known or
 366 | called by any other names and if so, by what names and where.

367 | (g) Whether petitioner has ever been adjudicated a
 368 | bankrupt and if so, where and when.

369 | (h) Whether petitioner has ever been arrested for or
 370 | charged with, pled guilty or nolo contendere to, or been found
 371 | to have committed a criminal offense, regardless of
 372 | adjudication, and if so, when and where.

373 | (i) Whether any money judgment has ever been entered
 374 | against petitioner and if so, the name of the judgment creditor,
 375 | the amount and date thereof, the court by which entered, and
 376 | whether the judgment has been satisfied.

377 | (j) That the petition is filed for no ulterior or illegal
 378 | purpose and granting it will not in any manner invade the
 379 | property rights of others, whether partnership, patent, good
 380 | will, privacy, trademark, or otherwise.

381 | (k) That the petitioner's civil rights have never been
 382 | suspended, or if the petitioner's civil rights have been
 383 | suspended, that full restoration of civil rights has occurred.

384 | (5) The clerk must, upon the filing of the final judgment,
 385 | send a report of the judgment to the Department of Law
 386 | Enforcement on a form to be furnished by that department. The
 387 | Department of Law Enforcement must send a copy of the report to
 388 | the Department of Highway Safety and Motor Vehicles, which may
 389 | be delivered by electronic transmission. The report must contain

390 sufficient information to identify the petitioner, including a
391 set ~~copy~~ of the petitioner's fingerprints taken by a law
392 enforcement agency, the new name of the petitioner, and the file
393 number of the judgment. Any information retained by the
394 Department of Law Enforcement and the Department of Highway
395 Safety and Motor Vehicles may be revised or supplemented by said
396 departments to reflect changes made by the final judgment. With
397 respect to a person convicted of a felony in another state or of
398 a federal offense, the Department of Law Enforcement must send
399 the report to the respective state's office of law enforcement
400 records or to the office of the Federal Bureau of Investigation.
401 The Department of Law Enforcement may forward the report to any
402 other law enforcement agency it believes may retain information
403 related to the petitioner. Any costs associated with
404 fingerprinting must be paid by the petitioner.

405 Section 8. Paragraphs (g) and (h) are added to subsection
406 (2) of section 943.05, Florida Statutes, to read:

407 943.05 Criminal Justice Information Program; duties; crime
408 reports.--

409 (2) The program shall:

410 (g) As authorized by law, retain fingerprints submitted by
411 criminal and noncriminal justice agencies to the department for
412 a criminal history background screening in a manner provided by
413 rule, and enter the fingerprints in the statewide automated
414 fingerprint identification system authorized by paragraph (b).
415 Such fingerprints shall thereafter be available for all purposes
416 and uses authorized for arrest fingerprint cards entered into

417 the statewide automated fingerprint identification system
418 pursuant to s. 943.051.

419 (h) As authorized by law, search all arrest fingerprint
420 cards received under s. 943.051 against the fingerprints
421 retained in the statewide automated fingerprint identification
422 system under paragraph (g). Any arrest record that is identified
423 with the retained fingerprints of a person subject to background
424 screening as provided in paragraph (g) shall be reported to the
425 appropriate agency. Agencies may participate in this search
426 process by payment of an annual fee to the department and by
427 informing the department of any change in the affiliation,
428 employment, or contractual status or place of affiliation,
429 employment, or contracting of the persons whose fingerprints are
430 retained under paragraph (g). The department shall adopt a rule
431 setting the amount of the annual fee to be imposed upon each
432 participating agency for performing these searches and
433 establishing the procedures for the retention of fingerprints
434 and the dissemination of search results. The fee may be borne as
435 provided by law.

436 Section 9. Subsections (5) through (9) of section 943.053,
437 Florida Statutes, are renumbered as subsections (6) through
438 (10), respectively, and new subsections (5), (11), and (12) are
439 added to said section, to read:

440 943.053 Dissemination of criminal justice information;
441 fees.--

442 (5) Notwithstanding the provisions of s. 943.0525, and any
443 user agreements adopted pursuant thereto, and notwithstanding
444 the confidentiality of sealed records as provided for in s.

445 943.059, the department shall make online access to Florida
446 criminal justice information available to each judge in the
447 state courts system for the purpose of assisting judges in their
448 case-related decisionmaking responsibilities. Such online access
449 shall be provided without charge to the state court system.
450 Sealed records received by the courts under this section remain
451 confidential and exempt from the provisions of s. 119.07(1). The
452 information provided pursuant to this section shall not take the
453 place of any information required to be provided to the courts
454 by any other agency or entity. Information provided under this
455 section shall be used only for the official court business for
456 which it was requested and may not be further disseminated.

457 (11) A criminal justice agency that is authorized under
458 federal rules or law to conduct a criminal history background
459 check on an agency employee who is not certified by the Criminal
460 Justice Standards and Training Commission under s. 943.12 may
461 submit to the department the fingerprints of the noncertified
462 employee to obtain state and national criminal history
463 information. Effective December 15, 2005, the fingerprints
464 submitted shall be retained and entered in the statewide
465 automated fingerprint identification system authorized by s.
466 943.05 and shall be available for all purposes and uses
467 authorized for arrest fingerprint cards entered in the statewide
468 automated fingerprint identification system pursuant to s.
469 943.051. The department shall search all arrest fingerprint
470 cards received pursuant to s. 943.051 against the fingerprints
471 retained in the statewide automated fingerprint identification
472 system pursuant to this section. In addition to all purposes and

473 uses authorized for arrest fingerprint cards for which submitted
474 fingerprints may be used, any arrest record that is identified
475 with the retained employee fingerprints must be reported to the
476 submitting employing agency. The department shall adopt rules
477 setting the amount of the fee to be imposed upon each submitting
478 agency for performing searches and for establishing procedures
479 for retaining the fingerprints and disseminating search results
480 to a submitting agency.

481 (12) Notwithstanding any other provision of law, when a
482 criminal history check or a duty to disclose the absence of a
483 criminal history check is mandated by state law, or when a
484 privilege or benefit is conferred by state law in return for
485 exercising an option of conducting a criminal history check, the
486 referenced criminal history check, whether it is an initial or
487 renewal check, shall include a Florida criminal history provided
488 by the department as set forth in this section. Such Florida
489 criminal history information may be provided by a private vendor
490 only if that information is directly obtained from the
491 department for each request. When a national criminal history
492 check is required or authorized by state law, the national
493 criminal history check shall be submitted by and through the
494 department in the manner established by the department for such
495 checks, unless otherwise required by federal law. The fee for
496 criminal history information as established by state law or, in
497 the case of national checks, by the Federal Government, shall be
498 borne by the person or entity submitting the request, or as
499 provided by law. Criminal history information provided by any
500 other governmental entity of this state or any private entity

501 shall not be substituted for criminal history information
 502 provided by the department when the criminal history check or a
 503 duty to disclose the absence of a criminal history check is
 504 required by statute or is made a condition of a privilege or
 505 benefit by law.

506 Section 10. Section 943.0585, Florida Statutes, is amended
 507 to read:

508 943.0585 Court-ordered expunction of criminal history
 509 records.--The courts of this state have jurisdiction over their
 510 own procedures, including the maintenance, expunction, and
 511 correction of judicial records containing criminal history
 512 information to the extent such procedures are not inconsistent
 513 with the conditions, responsibilities, and duties established by
 514 this section. Any court of competent jurisdiction may order a
 515 criminal justice agency to expunge the criminal history record
 516 of a minor or an adult who complies with the requirements of
 517 this section. The court shall not order a criminal justice
 518 agency to expunge a criminal history record until the person
 519 seeking to expunge a criminal history record has applied for and
 520 received a certificate of eligibility for expunction pursuant to
 521 subsection (2). A criminal history record that relates to a
 522 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 523 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
 524 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
 525 893.135, s. 916.1075, ~~or~~ a violation enumerated in s. 907.041,
 526 or any violation specified as a predicate offense for
 527 registration as a sexual predator pursuant to s. 775.21, without
 528 regard to whether that offense alone is sufficient to require

529 such registration, or for registration as a sexual offender
530 pursuant to s. 943.0435, may not be expunged, without regard to
531 whether adjudication was withheld, if the defendant was found
532 guilty of or pled guilty or nolo contendere to the offense, or
533 if the defendant, as a minor, was found to have committed, or
534 pled guilty or nolo contendere to committing, the offense as a
535 delinquent act. The court may only order expunction of a
536 criminal history record pertaining to one arrest or one incident
537 of alleged criminal activity, except as provided in this
538 section. The court may, at its sole discretion, order the
539 expunction of a criminal history record pertaining to more than
540 one arrest if the additional arrests directly relate to the
541 original arrest. If the court intends to order the expunction of
542 records pertaining to such additional arrests, such intent must
543 be specified in the order. A criminal justice agency may not
544 expunge any record pertaining to such additional arrests if the
545 order to expunge does not articulate the intention of the court
546 to expunge a record pertaining to more than one arrest. This
547 section does not prevent the court from ordering the expunction
548 of only a portion of a criminal history record pertaining to one
549 arrest or one incident of alleged criminal activity.
550 Notwithstanding any law to the contrary, a criminal justice
551 agency may comply with laws, court orders, and official requests
552 of other jurisdictions relating to expunction, correction, or
553 confidential handling of criminal history records or information
554 derived therefrom. This section does not confer any right to the
555 expunction of any criminal history record, and any request for

556 expunction of a criminal history record may be denied at the
557 sole discretion of the court.

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

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

563 (b) The petitioner's sworn statement attesting that the
564 petitioner:

565 1. Has never, prior to the date on which the petition is
566 filed, been adjudicated guilty of a criminal offense or
567 comparable ordinance violation, or been adjudicated delinquent
568 for committing any a felony or a misdemeanor specified in s.
569 943.051(3)(b).

570 2. Has not been adjudicated guilty of, or adjudicated
571 delinquent for committing, any of the acts stemming from the
572 arrest or alleged criminal activity to which the petition
573 pertains.

574 3. Has never secured a prior sealing or expunction of a
575 criminal history record under this section, former s. 893.14,
576 former s. 901.33, or former s. 943.058, or from any jurisdiction
577 outside the state.

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

581
582 Any person who knowingly provides false information on such
583 sworn statement to the court commits a felony of the third

584 degree, punishable as provided in s. 775.082, s. 775.083, or s.
585 775.084.

586 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Prior to
587 petitioning the court to expunge a criminal history record, a
588 person seeking to expunge a criminal history record shall apply
589 to the department for a certificate of eligibility for
590 expunction. The department shall, by rule adopted pursuant to
591 chapter 120, establish procedures pertaining to the application
592 for and issuance of certificates of eligibility for expunction.
593 A certificate of eligibility for expunction is valid for 12
594 months after the date stamped on the certificate when issued by
595 the department. After that time, the petitioner must reapply to
596 the department for a new certificate of eligibility. Eligibility
597 for a renewed certification of eligibility must be based on the
598 status of the applicant and the law in effect at the time of the
599 most recent application. The department shall issue a
600 certificate of eligibility for expunction to a person who is the
601 subject of a criminal history record if that person:

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

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

607 2. That an indictment, information, or other charging
608 document, if filed or issued in the case, was dismissed or nolle
609 prosequi by the state attorney or statewide prosecutor, or was
610 dismissed by a court of competent jurisdiction, and that none of
611 the charges related to the arrest or alleged criminal activity

612 to which the petition to expunge pertains resulted in a trial,
613 without regard to whether the outcome of the trial was other
614 than an adjudication of guilt.

615 3. That the criminal history record does not relate to a
616 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
617 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
618 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
619 893.135, s. 916.1075, ~~or~~ a violation enumerated in s. 907.041,
620 or any violation specified as a predicate offense for
621 registration as a sexual predator pursuant to s. 775.21, without
622 regard to whether that offense alone is sufficient to require
623 such registration, or for registration as a sexual offender
624 pursuant to s. 943.0435, where the defendant was found guilty
625 of, or pled guilty or nolo contendere to any such offense, or
626 that the defendant, as a minor, was found to have committed, or
627 pled guilty or nolo contendere to committing, such an offense as
628 a delinquent act, without regard to whether adjudication was
629 withheld.

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

633 (c) Has submitted to the department a certified copy of
634 the disposition of the charge to which the petition to expunge
635 pertains.

636 (d) Has never, prior to the date on which the application
637 for a certificate of eligibility is filed, been adjudicated
638 guilty of a criminal offense or comparable ordinance violation,

639 or been adjudicated delinquent for committing any a felony or a
640 misdemeanor specified in s. 943.051(3)(b).

641 (e) Has not been adjudicated guilty of, or adjudicated
642 delinquent for committing, any of the acts stemming from the
643 arrest or alleged criminal activity to which the petition to
644 expunge pertains.

645 (f) Has never secured a prior sealing or expunction of a
646 criminal history record under this section, former s. 893.14,
647 former s. 901.33, or former s. 943.058, unless expunction is
648 sought of a criminal history record previously sealed for 10
649 years pursuant to paragraph (h) and the record is otherwise
650 eligible for expunction.

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

654 (h) Has previously obtained a court order sealing the
655 record under this section, former s. 893.14, former s. 901.33,
656 or former s. 943.058 for a minimum of 10 years because
657 adjudication was withheld or because all charges related to the
658 arrest or alleged criminal activity to which the petition to
659 expunge pertains were not dismissed prior to trial, without
660 regard to whether the outcome of the trial was other than an
661 adjudication of guilt. The requirement for the record to have
662 previously been sealed for a minimum of 10 years does not apply
663 when a plea was not entered or all charges related to the arrest
664 or alleged criminal activity to which the petition to expunge
665 pertains were dismissed prior to trial. ~~Is not required to wait~~
666 a minimum of 10 years prior to being eligible for an expunction

667 ~~of such records because all charges related to the arrest or~~
668 ~~criminal activity to which the petition to expunge pertains were~~
669 ~~dismissed prior to trial, adjudication, or the withholding of~~
670 ~~adjudication. Otherwise, such criminal history record must be~~
671 ~~sealed under this section, former s. 893.14, former s. 901.33,~~
672 ~~or former s. 943.058 for at least 10 years before such record is~~
673 ~~eligible for expunction.~~

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

675 (a) In judicial proceedings under this section, a copy of
676 the completed petition to expunge shall be served upon the
677 appropriate state attorney or the statewide prosecutor and upon
678 the arresting agency; however, it is not necessary to make any
679 agency other than the state a party. The appropriate state
680 attorney or the statewide prosecutor and the arresting agency
681 may respond to the court regarding the completed petition to
682 expunge.

683 (b) If relief is granted by the court, the clerk of the
684 court shall certify copies of the order to the appropriate state
685 attorney or the statewide prosecutor and the arresting agency.
686 The arresting agency is responsible for forwarding the order to
687 any other agency to which the arresting agency disseminated the
688 criminal history record information to which the order pertains.
689 The department shall forward the order to expunge to the Federal
690 Bureau of Investigation. The clerk of the court shall certify a
691 copy of the order to any other agency which the records of the
692 court reflect has received the criminal history record from the
693 court.

694 (c) For an order to expunge entered by a court prior to
695 July 1, 1992, the department shall notify the appropriate state
696 attorney or statewide prosecutor of an order to expunge which is
697 contrary to law because the person who is the subject of the
698 record has previously been convicted of a crime or comparable
699 ordinance violation or has had a prior criminal history record
700 sealed or expunged. Upon receipt of such notice, the appropriate
701 state attorney or statewide prosecutor shall take action, within
702 60 days, to correct the record and petition the court to void
703 the order to expunge. The department shall seal the record until
704 such time as the order is voided by the court.

705 (d) On or after July 1, 1992, the department or any other
706 criminal justice agency is not required to act on an order to
707 expunge entered by a court when such order does not comply with
708 the requirements of this section. Upon receipt of such an order,
709 the department must notify the issuing court, the appropriate
710 state attorney or statewide prosecutor, the petitioner or the
711 petitioner's attorney, and the arresting agency of the reason
712 for noncompliance. The appropriate state attorney or statewide
713 prosecutor shall take action within 60 days to correct the
714 record and petition the court to void the order. No cause of
715 action, including contempt of court, shall arise against any
716 criminal justice agency for failure to comply with an order to
717 expunge when the petitioner for such order failed to obtain the
718 certificate of eligibility as required by this section or such
719 order does not otherwise comply with the requirements of this
720 section.

721 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
 722 criminal history record of a minor or an adult which is ordered
 723 expunged by a court of competent jurisdiction pursuant to this
 724 section must be physically destroyed or obliterated by any
 725 criminal justice agency having custody of such record; except
 726 that any criminal history record in the custody of the
 727 department must be retained in all cases. A criminal history
 728 record ordered expunged that is retained by the department is
 729 confidential and exempt from the provisions of s. 119.07(1) and
 730 s. 24(a), Art. I of the State Constitution and not available to
 731 any person or entity except upon order of a court of competent
 732 jurisdiction. A criminal justice agency may retain a notation
 733 indicating compliance with an order to expunge.

734 (a) The person who is the subject of a criminal history
 735 record that is expunged under this section or under other
 736 provisions of law, including former s. 893.14, former s. 901.33,
 737 and former s. 943.058, may lawfully deny or fail to acknowledge
 738 the arrests covered by the expunged record, except when the
 739 subject of the record:

- 740 1. Is a candidate for employment with a criminal justice
 741 agency;
- 742 2. Is a defendant in a criminal prosecution;
- 743 3. Concurrently or subsequently petitions for relief under
 744 this section or s. 943.059;
- 745 4. Is a candidate for admission to The Florida Bar;
- 746 5. Is seeking to be employed or licensed by or to contract
 747 with the Department of Children and Family Services or the
 748 Department of Juvenile Justice or to be employed or used by such

749 contractor or licensee in a sensitive position having direct
750 contact with children, the developmentally disabled, the aged,
751 or the elderly as provided in s. 110.1127(3), s. 393.063, s.
752 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
753 409.175(2)(i), s. 415.102(4), s. 916.106(10) and (13), s.
754 985.407, or chapter 400; ~~or~~

755 6. Is seeking to be employed or licensed by the Department
756 of Education, any district school board, any university
757 laboratory school, any charter school, any private or parochial
758 school, or any local governmental entity that licenses child
759 care facilities; or

760 7. Is seeking authorization from a Florida seaport
761 identified in s. 311.09 for employment within or access to one
762 or more of such seaports pursuant to s. 311.12 or s. 311.125.

763 (b) Subject to the exceptions in paragraph (a), a person
764 who has been granted an expunction under this section, former s.
765 893.14, former s. 901.33, or former s. 943.058 may not be held
766 under any provision of law of this state to commit perjury or to
767 be otherwise liable for giving a false statement by reason of
768 such person's failure to recite or acknowledge an expunged
769 criminal history record.

770 (c) Information relating to the existence of an expunged
771 criminal history record which is provided in accordance with
772 paragraph (a) is confidential and exempt from the provisions of
773 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
774 except that the department shall disclose the existence of a
775 criminal history record ordered expunged to the entities set
776 forth in subparagraphs (a)1., 4., 5., ~~and~~ 6., and 7. for their

777 | respective licensing, access authorization, and employment
 778 | purposes, and to criminal justice agencies for their respective
 779 | criminal justice purposes. It is unlawful for any employee of an
 780 | entity set forth in subparagraph (a)1., subparagraph (a)4.,
 781 | subparagraph (a)5., ~~or~~ subparagraph (a)6., or subparagraph(a)7.
 782 | to disclose information relating to the existence of an expunged
 783 | criminal history record of a person seeking employment, access
 784 | authorization, or licensure with such entity or contractor,
 785 | except to the person to whom the criminal history record relates
 786 | or to persons having direct responsibility for employment,
 787 | access authorization, or licensure decisions. Any person who
 788 | violates this paragraph commits a misdemeanor of the first
 789 | degree, punishable as provided in s. 775.082 or s. 775.083.

790 | (5) STATUTORY REFERENCES.--Any reference to any other
 791 | chapter, section, or subdivision of the Florida Statutes in this
 792 | section constitutes a general reference under the doctrine of
 793 | incorporation by reference.

794 | Section 11. Section 943.059, Florida Statutes, is amended
 795 | to read:

796 | 943.059 Court-ordered sealing of criminal history
 797 | records.--The courts of this state shall continue to have
 798 | jurisdiction over their own procedures, including the
 799 | maintenance, sealing, and correction of judicial records
 800 | containing criminal history information to the extent such
 801 | procedures are not inconsistent with the conditions,
 802 | responsibilities, and duties established by this section. Any
 803 | court of competent jurisdiction may order a criminal justice
 804 | agency to seal the criminal history record of a minor or an

805 adult who complies with the requirements of this section. The
806 court shall not order a criminal justice agency to seal a
807 criminal history record until the person seeking to seal a
808 criminal history record has applied for and received a
809 certificate of eligibility for sealing pursuant to subsection
810 (2). A criminal history record that relates to a violation of s.
811 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
812 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
813 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
814 916.1075, ~~or~~ a violation enumerated in s. 907.041, or any
815 violation specified as a predicate offense for registration as a
816 sexual predator pursuant to s. 775.21, without regard to whether
817 that offense alone is sufficient to require such registration,
818 or for registration as a sexual offender pursuant to s.
819 943.0435, may not be sealed, without regard to whether
820 adjudication was withheld, if the defendant was found guilty of
821 or pled guilty or nolo contendere to the offense, or if the
822 defendant, as a minor, was found to have committed or pled
823 guilty or nolo contendere to committing the offense as a
824 delinquent act. The court may only order sealing of a criminal
825 history record pertaining to one arrest or one incident of
826 alleged criminal activity, except as provided in this section.
827 The court may, at its sole discretion, order the sealing of a
828 criminal history record pertaining to more than one arrest if
829 the additional arrests directly relate to the original arrest.
830 If the court intends to order the sealing of records pertaining
831 to such additional arrests, such intent must be specified in the
832 order. A criminal justice agency may not seal any record

833 | pertaining to such additional arrests if the order to seal does
 834 | not articulate the intention of the court to seal records
 835 | pertaining to more than one arrest. This section does not
 836 | prevent the court from ordering the sealing of only a portion of
 837 | a criminal history record pertaining to one arrest or one
 838 | incident of alleged criminal activity. Notwithstanding any law
 839 | to the contrary, a criminal justice agency may comply with laws,
 840 | court orders, and official requests of other jurisdictions
 841 | relating to sealing, correction, or confidential handling of
 842 | criminal history records or information derived therefrom. This
 843 | section does not confer any right to the sealing of any criminal
 844 | history record, and any request for sealing a criminal history
 845 | record may be denied at the sole discretion of the court.

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

849 | (a) A valid certificate of eligibility for sealing issued
 850 | by the department pursuant to subsection (2).

851 | (b) The petitioner's sworn statement attesting that the
 852 | petitioner:

853 | 1. Has never, prior to the date on which the petition is
 854 | filed, been adjudicated guilty of a criminal offense or
 855 | comparable ordinance violation, or been adjudicated delinquent
 856 | for committing any a felony or a misdemeanor specified in s.
 857 | 943.051(3)(b).

858 | 2. Has not been adjudicated guilty of or adjudicated
 859 | delinquent for committing any of the acts stemming from the

860 arrest or alleged criminal activity to which the petition to
861 seal pertains.

862 3. Has never secured a prior sealing or expunction of a
863 criminal history record under this section, former s. 893.14,
864 former s. 901.33, former s. 943.058, or from any jurisdiction
865 outside the state.

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

869
870 Any person who knowingly provides false information on such
871 sworn statement to the court commits a felony of the third
872 degree, punishable as provided in s. 775.082, s. 775.083, or s.
873 775.084.

874 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.--Prior to
875 petitioning the court to seal a criminal history record, a
876 person seeking to seal a criminal history record shall apply to
877 the department for a certificate of eligibility for sealing. The
878 department shall, by rule adopted pursuant to chapter 120,
879 establish procedures pertaining to the application for and
880 issuance of certificates of eligibility for sealing. A
881 certificate of eligibility for sealing is valid for 12 months
882 after the date stamped on the certificate when issued by the
883 department. After that time, the petitioner must reapply to the
884 department for a new certificate of eligibility. Eligibility for
885 a renewed certification of eligibility must be based on the
886 status of the applicant and the law in effect at the time of the
887 most recent application. The department shall issue a

888 certificate of eligibility for sealing to a person who is the
 889 subject of a criminal history record provided that such person:

890 (a) Has submitted to the department a certified copy of
 891 the disposition of the charge to which the petition to seal
 892 pertains.

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

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

901 (d) Has not been adjudicated guilty of or adjudicated
 902 delinquent for committing any of the acts stemming from the
 903 arrest or alleged criminal activity to which the petition to
 904 seal pertains.

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

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

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

912 (a) In judicial proceedings under this section, a copy of
 913 the completed petition to seal shall be served upon the
 914 appropriate state attorney or the statewide prosecutor and upon
 915 the arresting agency; however, it is not necessary to make any

916 agency other than the state a party. The appropriate state
917 attorney or the statewide prosecutor and the arresting agency
918 may respond to the court regarding the completed petition to
919 seal.

920 (b) If relief is granted by the court, the clerk of the
921 court shall certify copies of the order to the appropriate state
922 attorney or the statewide prosecutor and to the arresting
923 agency. The arresting agency is responsible for forwarding the
924 order to any other agency to which the arresting agency
925 disseminated the criminal history record information to which
926 the order pertains. The department shall forward the order to
927 seal to the Federal Bureau of Investigation. The clerk of the
928 court shall certify a copy of the order to any other agency
929 which the records of the court reflect has received the criminal
930 history record from the court.

931 (c) For an order to seal entered by a court prior to July
932 1, 1992, the department shall notify the appropriate state
933 attorney or statewide prosecutor of any order to seal which is
934 contrary to law because the person who is the subject of the
935 record has previously been convicted of a crime or comparable
936 ordinance violation or has had a prior criminal history record
937 sealed or expunged. Upon receipt of such notice, the appropriate
938 state attorney or statewide prosecutor shall take action, within
939 60 days, to correct the record and petition the court to void
940 the order to seal. The department shall seal the record until
941 such time as the order is voided by the court.

942 (d) On or after July 1, 1992, the department or any other
943 criminal justice agency is not required to act on an order to

944 seal entered by a court when such order does not comply with the
 945 requirements of this section. Upon receipt of such an order, the
 946 department must notify the issuing court, the appropriate state
 947 attorney or statewide prosecutor, the petitioner or the
 948 petitioner's attorney, and the arresting agency of the reason
 949 for noncompliance. The appropriate state attorney or statewide
 950 prosecutor shall take action within 60 days to correct the
 951 record and petition the court to void the order. No cause of
 952 action, including contempt of court, shall arise against any
 953 criminal justice agency for failure to comply with an order to
 954 seal when the petitioner for such order failed to obtain the
 955 certificate of eligibility as required by this section or when
 956 such order does not comply with the requirements of this
 957 section.

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

962 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A criminal
 963 history record of a minor or an adult which is ordered sealed by
 964 a court of competent jurisdiction pursuant to this section is
 965 confidential and exempt from the provisions of s. 119.07(1) and
 966 s. 24(a), Art. I of the State Constitution and is available only
 967 to the person who is the subject of the record, to the subject's
 968 attorney, to criminal justice agencies for their respective
 969 criminal justice purposes, which include conducting a criminal
 970 history background check for approval of firearms purchases or
 971 transfers as authorized by state or federal law, or to those

972 entities set forth in subparagraphs (a)1., 4., 5., and 6., and
 973 8. for their respective licensing, access authorization, and
 974 employment purposes.

975 (a) The subject of a criminal history record sealed under
 976 this section or under other provisions of law, including former
 977 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 978 deny or fail to acknowledge the arrests covered by the sealed
 979 record, except when the subject of the record:

980 1. Is a candidate for employment with a criminal justice
 981 agency;

982 2. Is a defendant in a criminal prosecution;

983 3. Concurrently or subsequently petitions for relief under
 984 this section or s. 943.0585;

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

986 5. Is seeking to be employed or licensed by or to contract
 987 with the Department of Children and Family Services or the
 988 Department of Juvenile Justice or to be employed or used by such
 989 contractor or licensee in a sensitive position having direct
 990 contact with children, the developmentally disabled, the aged,
 991 or the elderly as provided in s. 110.1127(3), s. 393.063, s.
 992 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
 993 409.175(2)(i), s. 415.102(4), s. 415.103, s. 916.106(10) and
 994 (13), s. 985.407, or chapter 400; ~~or~~

995 6. Is seeking to be employed or licensed by the Department
 996 of Education, any district school board, any university
 997 laboratory school, any charter school, any private or parochial
 998 school, or any local governmental entity that licenses child
 999 care facilities; ~~or~~

1000 7. Is attempting to purchase a firearm from a licensed
 1001 importer, licensed manufacturer, or licensed dealer and is
 1002 subject to a criminal history background check under state or
 1003 federal law; or

1004 8. Is seeking authorization from a Florida seaport
 1005 identified in s. 311.09 for employment within or access to one
 1006 or more of such seaports pursuant to s. 311.12 or s. 311.125.

1007 (b) Subject to the exceptions in paragraph (a), a person
 1008 who has been granted a sealing under this section, former s.
 1009 893.14, former s. 901.33, or former s. 943.058 may not be held
 1010 under any provision of law of this state to commit perjury or to
 1011 be otherwise liable for giving a false statement by reason of
 1012 such person's failure to recite or acknowledge a sealed criminal
 1013 history record.

1014 (c) Information relating to the existence of a sealed
 1015 criminal record provided in accordance with the provisions of
 1016 paragraph (a) is confidential and exempt from the provisions of
 1017 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 1018 except that the department shall disclose the sealed criminal
 1019 history record to the entities set forth in subparagraphs (a)1.,
 1020 4., 5., ~~and~~ 6., and 8. for their respective licensing, access
 1021 authorization, and employment purposes. It is unlawful for any
 1022 employee of an entity set forth in subparagraph (a)1.,
 1023 subparagraph (a)4., subparagraph (a)5., ~~or~~ subparagraph (a)6.,
 1024 or subparagraph (a)8. to disclose information relating to the
 1025 existence of a sealed criminal history record of a person
 1026 seeking employment, access authorization, or licensure with such
 1027 entity or contractor, except to the person to whom the criminal

1028 history record relates or to persons having direct
 1029 responsibility for employment, access authorization, or
 1030 licensure decisions. Any person who violates the provisions of
 1031 this paragraph commits a misdemeanor of the first degree,
 1032 punishable as provided in s. 775.082 or s. 775.083.

1033 (5) STATUTORY REFERENCES.--Any reference to any other
 1034 chapter, section, or subdivision of the Florida Statutes in this
 1035 section constitutes a general reference under the doctrine of
 1036 incorporation by reference.

1037 Section 12. Subsection (5) of section 943.13, Florida
 1038 Statutes, is amended to read:

1039 943.13 Officers' minimum qualifications for employment or
 1040 appointment.--On or after October 1, 1984, any person employed
 1041 or appointed as a full-time, part-time, or auxiliary law
 1042 enforcement officer or correctional officer; on or after October
 1043 1, 1986, any person employed as a full-time, part-time, or
 1044 auxiliary correctional probation officer; and on or after
 1045 October 1, 1986, any person employed as a full-time, part-time,
 1046 or auxiliary correctional officer by a private entity under
 1047 contract to the Department of Corrections, to a county
 1048 commission, or to the Department of Management Services shall:

1049 (5) Have documentation of his or her processed
 1050 fingerprints on file with the employing agency or, if a private
 1051 correctional officer, have documentation of his or her processed
 1052 fingerprints on file with the Department of Corrections or the
 1053 Criminal Justice Standards and Training Commission. If
 1054 administrative delays are caused by the department or the
 1055 Federal Bureau of Investigation and the person has complied with

1056 subsections (1)-(4) and (6)-(9), he or she may be employed or
1057 appointed for a period not to exceed 1 calendar year from the
1058 date he or she was employed or appointed or until return of the
1059 processed fingerprints documenting noncompliance with
1060 subsections (1)-(4) or subsection (7), whichever occurs first.
1061 Beginning December 15, 2005, the department shall retain and
1062 enter into the statewide automated fingerprint identification
1063 system authorized by s. 943.05 all fingerprints submitted to the
1064 department as required by this section. Thereafter, the
1065 fingerprints shall be available for all purposes and uses
1066 authorized for arrest fingerprint cards entered in the statewide
1067 automated fingerprint identification system pursuant to s.
1068 943.051. The department shall search all arrest fingerprint
1069 cards received pursuant to s. 943.051 against the fingerprints
1070 retained in the statewide automated fingerprint identification
1071 system pursuant to this section and report to the employing
1072 agency any arrest records that are identified with the retained
1073 employee's fingerprints. By January 1, 2007, a person who must
1074 meet minimum qualifications as provided in this section and
1075 whose fingerprints are not retained by the department pursuant
1076 to this section must be refingerprinted. These fingerprints must
1077 be forwarded to the department for processing and retention.

1078 Section 13. Section 943.1715, Florida Statutes, is amended
1079 to read:

1080 943.1715 Basic skills training relating to diverse
1081 populations.--The commission shall establish and maintain
1082 standards for instruction of officers in the subject of
1083 interpersonal skills relating to diverse populations, with an

1084 emphasis on the awareness of cultural differences. Every basic
 1085 skills course required in order for officers to obtain initial
 1086 certification must include ~~a minimum of 8 hours~~ training in
 1087 interpersonal skills with diverse populations.

1088 Section 14. Section 943.1716, Florida Statutes, is amended
 1089 to read:

1090 943.1716 Continued employment training relating to diverse
 1091 populations.--The commission shall by rule require that each
 1092 officer receive, as part of the 40 hours of required instruction
 1093 for continued employment or appointment as an officer, ~~8 hours~~
 1094 of instruction in the subject of interpersonal skills relating
 1095 to diverse populations, with an emphasis on the awareness of
 1096 cultural differences.

1097 Section 15. Section 943.2569, Florida Statutes, is
 1098 repealed.

1099 Section 16. Section 943.257, Florida Statutes, is amended
 1100 to read:

1101 943.257 Independent audit documentation subject to
 1102 inspection.--The Criminal Justice Standards and Training
 1103 Commission or a center's advisory board may inspect and copy any
 1104 documents from the center as required to carry out the
 1105 commission's or the respective board's oversight
 1106 responsibilities, including information and documents related to
 1107 applicant evaluations and center expenditures. In addition, the
 1108 commission or board may inspect and copy the documentation of
 1109 any internal or independent audits conducted by or on behalf of
 1110 the centers to ensure that candidate and inservice officer
 1111 assessments have been made and that expenditures are in

1112 conformance with the requirements of this act and with other
 1113 applicable procedures.

1114 Section 17. Subsections (1) and (3) of section 943.401,
 1115 Florida Statutes, are amended to read:

1116 943.401 Public assistance fraud.--

1117 (1) (a) The Department of Law Enforcement shall investigate
 1118 all public assistance provided to residents of the state or
 1119 provided to others by the state ~~made under the provisions of~~
 1120 ~~chapter 409 or chapter 414~~. In the course of such investigation
 1121 the Department of Law Enforcement shall examine all records,
 1122 including electronic benefits transfer records and make inquiry
 1123 of all persons who may have knowledge as to any irregularity
 1124 incidental to the disbursement of public moneys, food stamps, or
 1125 other items or benefits authorizations to recipients.

1126 (b) All public assistance recipients, as a condition
 1127 precedent to qualification for public assistance ~~under the~~
 1128 ~~provisions of chapter 409 or chapter 414~~, shall first give in
 1129 writing, to the Agency for Health Care Administration, the
 1130 Department of Health, the Agency for Workforce Innovation, and
 1131 the Department of Children and Family Services, as appropriate,
 1132 and to the Department of Law Enforcement, consent to make
 1133 inquiry of past or present employers and records, financial or
 1134 otherwise.

1135 (3) The results of such investigation shall be reported by
 1136 the Department of Law Enforcement to the appropriate legislative
 1137 committees, the Agency for Health Care Administration, the
 1138 Department of Health, the Agency for Workforce Innovation, and

1139 | the Department of Children and Family Services, and to such
 1140 | others as the Department of Law Enforcement may determine.

1141 | Section 18. Authority to purchase goodwill and promotional
 1142 | materials.--

1143 | (1) The Legislature recognizes that the department
 1144 | functions as one of the state's primary law enforcement
 1145 | representatives in national and international meetings,
 1146 | conferences, and cooperative efforts. The department often hosts
 1147 | delegates from other federal, state, local, and international
 1148 | agencies and is in a position to function as a representative of
 1149 | the state fostering goodwill and effective interagency working
 1150 | relationships. It is the intent of the Legislature that the
 1151 | department be allowed, consistent with the dignity and integrity
 1152 | of the state, to purchase and distribute material and items of
 1153 | collection to those with whom the department has contact in
 1154 | meetings, conferences, and cooperative efforts.

1155 | (2) In addition to expenditures separately authorized by
 1156 | law, the department may expend not more than \$5,000 annually to
 1157 | purchase and distribute promotional materials or items that
 1158 | serve to advance with dignity and integrity the goodwill of this
 1159 | state and the department and to provide basic refreshments at
 1160 | official functions, seminars, or meetings of the department in
 1161 | which dignitaries or representatives from the Federal
 1162 | Government, other states or nationalities, or other agencies are
 1163 | in attendance.

1164 | Section 19. Unauthorized use of Department of Law
 1165 | Enforcement emblems or names prohibited.--

1166 (1) Whoever, except with the written permission of the
1167 executive director of the department or as otherwise expressly
1168 authorized by the department, knowingly uses the words "Florida
1169 Department of Law Enforcement," the initials "F.D.L.E." or
1170 "FDLE," or the words "Florida Capitol Police," or any colorable
1171 imitation of such words or initials, or who uses a logo or
1172 emblem used by the department in connection with any
1173 advertisement, circular, book, pamphlet, or other publication,
1174 play, motion picture, broadcast, telecast, or other production,
1175 in any Internet web page or upon any product in a manner
1176 reasonably calculated to convey the impression that such
1177 advertisement, circular, book, pamphlet, or other publication,
1178 play, motion picture, broadcast, telecast, or other production,
1179 Internet web page, or product is approved, endorsed, or
1180 authorized by the Department of Law Enforcement commits a
1181 misdemeanor of the first degree, punishable as provided in s.
1182 775.082 or s. 775.083, Florida Statutes.

1183 (2) A violation of this section may be enjoined upon suit
1184 by the department or the Department of Legal Affairs upon
1185 complaint filed in any court of competent jurisdiction.

1186 Section 20. Except as otherwise provided herein, this act
1187 shall take effect July 1, 2005.