

1                                   A bill to be entitled  
2           An act relating to the Department of Law Enforcement;  
3           amending s. 943.05, F.S.; providing that if fingerprints  
4           submitted to the Department of Law Enforcement for  
5           background screening are identified with the fingerprints  
6           of a person having a criminal history record, the  
7           department may make the fingerprints available for all  
8           purposes and uses authorized for arrest fingerprint cards;  
9           amending s. 943.053, F.S.; clarifying provisions relating  
10          to the fees charged for requests for criminal history  
11          information; amending s. 943.0542, F.S.; authorizing a  
12          qualified entity requesting screening information  
13          concerning an employee or volunteer, or a person applying  
14          to be an employee or volunteer, to submit the request  
15          electronically; requiring the qualified entity to maintain  
16          a signed waiver allowing the release of the state and  
17          national criminal history record information to the  
18          qualified entity; revising provisions relating to the fees  
19          for such screenings; amending s. 943.0581, F.S.; revising  
20          the information to be included in an application for an  
21          administrative expunction of any nonjudicial record of an  
22          arrest of a minor or an adult made contrary to law or by  
23          mistake; permitting specified officials to make an  
24          application for an administrative expunction; amending s.  
25          943.06, F.S.; adding the Secretary of Children and Family  
26          Services, or the secretary's designated assistant, to the  
27          Criminal and Juvenile Justice Information Systems Council;  
28          amending s. 943.08, F.S.; revising the duties of the

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29 Criminal and Juvenile Justice Information Systems Council;  
30 amending s. 943.081, F.S.; specifying and clarifying the  
31 principles adopted by the Criminal and Juvenile Justice  
32 Information Systems Council as the guiding principles for  
33 the management of public safety system information  
34 technology resources; authorizing creation of a citizen  
35 support organization for Florida Missing Children's Day by  
36 the Department of Law Enforcement to provide assistance,  
37 funding, and promotional support for activities authorized  
38 for that day; providing for duties and functions of the  
39 support organization; authorizing the department to fix  
40 and collect charges for the rental of facilities and  
41 properties managed by the department and providing for  
42 deposit and use of moneys collected; providing that the  
43 support organization is not a lobbyist; providing for the  
44 use and management of department property; providing for  
45 an annual audit; providing an effective date.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. Subsection (3) is added to section 943.05,  
50 Florida Statutes, to read:

51 943.05 Criminal Justice Information Program; duties; crime  
52 reports.--

53 (3) If fingerprints submitted to the department for  
54 background screening, whether retained or not, are identified  
55 with the fingerprints of a person having a criminal history  
56 record, such fingerprints may thereafter be available for all

57 purposes and uses authorized for arrest fingerprint cards,  
 58 including, but not limited to, entry into the statewide  
 59 automated fingerprint identification system to augment or  
 60 replace the fingerprints that identify the criminal history  
 61 record.

62 Section 2. Paragraph (b) of subsection (3) of section  
 63 943.053, Florida Statutes, is amended to read:

64 943.053 Dissemination of criminal justice information;  
 65 fees.--

66 (3)

67 (b) The fee per record for criminal history information  
 68 provided pursuant to this subsection and s. 943.0542 is \$23 per  
 69 name submitted, except that the fee for vendors of the  
 70 Department of Children and Family Services, the Department of  
 71 Juvenile Justice, and the Department of Elderly Affairs shall be  
 72 \$8 for each name submitted; the fee for a state criminal history  
 73 provided for application processing as required by law to be  
 74 performed by the Department of Agriculture and Consumer Services  
 75 shall be \$15 for each name submitted; and the fee for requests  
 76 under s. 943.0542, which implements the National Child  
 77 Protection Act, shall be \$18 for each volunteer name submitted.  
 78 The state offices of the Public Defender shall not be assessed a  
 79 fee for Florida criminal history information or wanted person  
 80 information.

81 Section 3. Paragraphs (b) and (c) of subsection (2) of  
 82 section 943.0542, Florida Statutes, are amended to read:

83 943.0542 Access to criminal history information provided  
 84 by the department to qualified entities.--

85 (2)

86 (b) A qualified entity shall submit to the department a  
 87 request for screening an employee or volunteer or person  
 88 applying to be an employee or volunteer on a completed  
 89 fingerprint card, or the request may be submitted  
 90 electronically. The qualified entity must maintain, ~~with a~~  
 91 signed waiver allowing the release of the state and national  
 92 criminal history record information to the qualified entity.

93 (c) Each such request must be accompanied by a fee for a  
 94 statewide criminal history check by the department established  
 95 by, ~~which shall approximate the actual cost of producing the~~  
 96 ~~record information, as provided in s. 943.053, plus the amount~~  
 97 currently prescribed ~~required~~ by the Federal Bureau of  
 98 Investigation for the national criminal history check in  
 99 compliance with the National Child Protection Act of 1993, as  
 100 amended.

101 Section 4. Section 943.0581, Florida Statutes, is amended  
 102 to read:

103 943.0581 Administrative expunction.--

104 (1) Notwithstanding any law dealing generally with the  
 105 preservation and destruction of public records, the department  
 106 may adopt a ~~provide, by rule adopted~~ pursuant to chapter 120,  
 107 for the administrative expunction of any nonjudicial record of  
 108 an arrest of a minor or an adult made contrary to law or by  
 109 mistake.

110 (2) A law enforcement agency shall apply to the department  
 111 in the manner prescribed by rule for the administrative  
 112 expunction of any nonjudicial record of any arrest of a minor or

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113 an adult who is subsequently determined by the agency, at its  
 114 discretion, or by the final order of a court of competent  
 115 jurisdiction, to have been arrested contrary to law or by  
 116 mistake.

117 (3) An adult or, in the case of a minor child, the parent  
 118 or legal guardian of the minor child, may apply to the  
 119 department in the manner prescribed by rule for the  
 120 administrative expunction of any nonjudicial record of an arrest  
 121 alleged to have been made contrary to law or by mistake,  
 122 provided that the application is supported by the endorsement of  
 123 the head of the arresting agency or his or her designee or the  
 124 state attorney of the judicial circuit in which the arrest  
 125 occurred or his or her designee.

126 (4) An application for administrative expunction shall  
 127 include ~~an affidavit executed by the chief of the law~~  
 128 ~~enforcement agency, sheriff, or department head of the state law~~  
 129 ~~enforcement agency in which the affiant verifies that he or she~~  
 130 ~~has reviewed the record of the arrest and that the arrest was~~  
 131 ~~contrary to law or was a mistake. The affidavit shall include~~  
 132 the date and time of the arrest, ~~the name of the arresting~~  
 133 ~~officer,~~ the name of the person arrested, the offender-based  
 134 tracking system (OBTS) number, and the crime or crimes charged.  
 135 The application shall be on the submitting agency's letterhead  
 136 and shall be signed by the head of the submitting agency or his  
 137 or her designee.

138 (5) If the person was arrested on a warrant, capias, or  
 139 pick-up order, a request for an administrative expunction may be  
 140 made by the sheriff of the county in which the warrant, capias,

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141 or pick-up order was issued or his or her designee or by the  
 142 state attorney of the judicial circuit in which the warrant,  
 143 capias, or pick-up order was issued or his or her designee.

144 ~~(6)(5) An~~ Ne application ~~or,~~ endorsement, ~~or affidavit~~  
 145 ~~made~~ under this section is not ~~shall be~~ admissible as evidence  
 146 in any judicial or administrative proceeding or otherwise be  
 147 construed in any way as an admission of liability in connection  
 148 with an arrest.

149 Section 5. Subsection (1) of section 943.06, Florida  
 150 Statutes, is amended to read:

151 943.06 Criminal and Juvenile Justice Information Systems  
 152 Council.--There is created a Criminal and Juvenile Justice  
 153 Information Systems Council within the department.

154 (1) The council shall be composed of 15 ~~14~~ members,  
 155 consisting of the Attorney General or a designated assistant;  
 156 the executive director of the Department of Law Enforcement or a  
 157 designated assistant; the secretary of the Department of  
 158 Corrections or a designated assistant; the chair of the Parole  
 159 Commission or a designated assistant; the Secretary of Juvenile  
 160 Justice or a designated assistant; the executive director of the  
 161 Department of Highway Safety and Motor Vehicles or a designated  
 162 assistant; the Secretary of Children and Family Services or a  
 163 designated assistant; the State Courts Administrator or a  
 164 designated assistant; 1 public defender appointed by the Florida  
 165 Public Defender Association, Inc.; 1 state attorney appointed by  
 166 the Florida Prosecuting Attorneys Association, Inc.; and 5  
 167 members, to be appointed by the Governor, consisting of 2  
 168 sheriffs, 2 police chiefs, and 1 clerk of the circuit court.

169 Section 6. Section 943.08, Florida Statutes, is amended to  
 170 read:

171 (Substantial rewording of section. See s.  
 172 943.08, F.S., for present text.)

173 943.08 Duties; Criminal and Juvenile Justice Information  
 174 Systems Council.--

175 (1) The council shall facilitate the identification,  
 176 standardization, sharing, and coordination of criminal and  
 177 juvenile justice data and other public safety system data among  
 178 federal, state, and local agencies.

179 (2) The council shall adopt uniform information-exchange  
 180 standards, methodologies, and best practices, applying national  
 181 standards and models when appropriate, in order to guide local  
 182 and state criminal justice agencies when procuring,  
 183 implementing, or modifying information systems.

184 (3) The council shall provide statewide oversight and  
 185 support the development of plans and policies relating to public  
 186 safety information systems in order to facilitate the effective  
 187 identification, standardization, access, sharing, integrating,  
 188 and coordinating of criminal and juvenile justice data among  
 189 federal, state, and local agencies. The council shall make  
 190 recommendations addressing each of the following:

191 (a) Privacy of data.

192 (b) Security of systems.

193 (c) Functional and information-sharing standards.

194 (d) Accuracy, timeliness, and completeness of data.

195 (e) Access to data and systems.

196 (f) Transmission of data and information.

197        (g) Dissemination of information.

198        (h) Training.

199        (i) Other areas that effect the sharing of criminal and  
 200 juvenile justice information and other public safety system  
 201 information.

202        (4) The council shall provide oversight to the operation  
 203 of the Criminal Justice Network (CJNet) for which the department  
 204 shall serve as custodial manager pursuant to s. 943.0544.  
 205 Criminal justice agencies participating in the Criminal Justice  
 206 Network shall adhere to CJNet standards and policies.

207        Section 7. Section 943.081, Florida Statutes, is amended  
 208 to read:

209        943.081 Public safety system information technology  
 210 resources; guiding principles.--The following guiding principles  
 211 adopted by the Criminal and Juvenile Justice Information Systems  
 212 Council are hereby adopted as guiding principles for the  
 213 management of public safety system information technology  
 214 resources:

215        (1) Cooperative planning by public safety system entities  
 216 is a prerequisite for the effective development of systems to  
 217 enable sharing of data.

218        (2) The planning process, as well as coordination of  
 219 development efforts, should identify and include all principals  
 220 from the outset.

221        (3) Public safety system entities should be committed to  
 222 maximizing information sharing and moving away from proprietary  
 223 positions taken relative to data they capture and maintain.



224 (4) Public safety system entities should maximize public  
 225 access to data and, in so doing, should specifically implement  
 226 guidelines and practices that address ~~while complying with~~  
 227 ~~legitimate security, privacy, and confidentiality requirements.~~

228 (5) Public safety system entities should strive for  
 229 electronic sharing of information ~~via networks versus a reliance~~  
 230 ~~on magnetic and other media.~~

231 (6) The practice by public safety system entities of  
 232 charging each other for data should, insofar as possible, be  
 233 eliminated. Further, when the capture of data for mutual benefit  
 234 can be accomplished, the costs for the development, capture, and  
 235 network for access to that data should be shared.

236 (7) The redundant capture of data should, insofar as  
 237 possible, be eliminated. Redundant capture of data should be  
 238 discouraged unless there is a specific business need for it.

239 (8) Public safety systems should adhere to information-  
 240 exchange standards approved by the council.

241 (9) The council should adopt where possible applicable  
 242 national standards for data exchange.

243 ~~(8) With respect to statewide databases:~~

244 ~~(a) Only data that can best be compiled, preserved, and~~  
 245 ~~shared through a central database should be captured at the~~  
 246 ~~state level.~~

247 ~~(b) Remote access to distributed databases should be~~  
 248 ~~considered and provided for, instead of central repositories.~~

249 ~~(c) Statistical data that may be required infrequently or~~  
 250 ~~on a one-time basis should be captured via sampling or other~~  
 251 ~~methods.~~

252 ~~(d) Only data that are auditable, or that otherwise can be~~  
 253 ~~determined to be accurate, valid, and reliable should be~~  
 254 ~~maintained.~~

255 ~~(9) Methods of sharing data among different protocols must~~  
 256 ~~be developed without requiring major redesign or replacement of~~  
 257 ~~individual systems.~~

258 Section 8. Citizen support organization for Florida  
 259 Missing Children's Day.--

260 (1) The Department of Law Enforcement may establish a  
 261 citizen support organization to provide assistance, funding, and  
 262 promotional support for activities authorized for Florida  
 263 Missing Children's Day under s. 683.23, Florida Statutes.

264 (2) As used in this section, the term "citizen support  
 265 organization" means an organization that is:

266 (a) A Florida corporation not for profit incorporated  
 267 under chapter 617, Florida Statutes, and approved by the  
 268 Department of State.

269 (b) Organized and operated to conduct programs and  
 270 activities; raise funds; request and receive grants, gifts, and  
 271 bequests of money; acquire, receive, hold, invest, and  
 272 administer, in its own name, securities, funds, objects of  
 273 value, or other property, either real or personal; and make  
 274 expenditures to or for the direct or indirect benefit of the  
 275 department in furtherance of Florida Missing Children's Day.

276 (3) The citizen support organization is not a registered  
 277 lobbyist within the meaning of s. 11.045, Florida Statutes.

278 (4) The citizen support organization is specifically  
 279 authorized to collect and expend funds to be used for awards;

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280 public awareness and awards ceremonies, workshops, and other  
281 meetings, including distribution materials for public education  
282 and awareness; travel; Internet and web-hosting services;  
283 administrative costs, including personnel costs; costs of  
284 audits; and costs of facilities rental.

285 (5) The activities of the citizen support organization  
286 must be determined by the department to be consistent with the  
287 goals and mission of the department and in the best interests of  
288 the state and approved in writing by the department to operate  
289 for the direct or indirect benefit of the department. The  
290 approval shall be given in a letter of agreement from the  
291 department.

292 (6) (a) The department may fix and collect charges for the  
293 rental of facilities and properties managed by the department  
294 and may permit, without charge, appropriate use of  
295 administrative services, property, and facilities of the  
296 department by the citizen support organization, subject to this  
297 section. The use must be directly in keeping with the approved  
298 purposes of the citizen support organization and may not be made  
299 at times or places that would unreasonably interfere with  
300 opportunities for the public to use such facilities for  
301 established purposes. Any money received from rentals of  
302 facilities and properties managed by the department may be held  
303 in the Operating Trust Fund of the department or in a separate  
304 depository account in the name of the citizen support  
305 organization and subject to the provisions of the letter of  
306 agreement with the department. The letter of agreement must  
307 provide that any funds held in the separate depository account

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308 in the name of the citizen support organization must revert to  
309 the department if the citizen support organization is no longer  
310 approved by the department to operate in the best interests of  
311 the state.

312 (b) The department may adopt rules with which a citizen  
313 support organization must comply in order to use department  
314 administrative services, property, or facilities.

315 (c) The department may not permit the use of any  
316 administrative services, property, or facilities of the state by  
317 a citizen support organization that does not provide equal  
318 membership and employment opportunities to all persons  
319 regardless of race, color, religion, gender, age, or national  
320 origin.

321 (7) The citizen support organization shall provide for an  
322 independent annual financial audit in accordance with s.  
323 215.981, Florida Statutes. Copies of the audit shall be provided  
324 to the department, the Office of Policy and Budget in the  
325 Executive Office of the Governor, and the Florida Cabinet.

326 Section 9. This act shall take effect July 1, 2008.