

## ENROLLED

HB 7113, Engrossed 1

2008 Legislature

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          943.0585, F.S.; providing additional circumstances in  
26          which a person may not lawfully deny or fail to  
27          acknowledge the arrests covered by an expunged criminal  
28          history record; amending s. 943.059, F.S.; providing that

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 sealed criminal history records may be available to judges  
30 in the state courts system for specified purposes;  
31 providing additional circumstances in which a person may  
32 not lawfully deny or fail to acknowledge the arrests  
33 covered by a sealed criminal history record; amending s.  
34 943.06, F.S.; adding the Secretary of Children and Family  
35 Services, or the secretary's designated assistant, to the  
36 Criminal and Juvenile Justice Information Systems Council;  
37 amending s. 943.08, F.S.; revising the duties of the  
38 Criminal and Juvenile Justice Information Systems Council;  
39 amending s. 943.081, F.S.; specifying and clarifying the  
40 principles adopted by the Criminal and Juvenile Justice  
41 Information Systems Council as the guiding principles for  
42 the management of public safety system information  
43 technology resources; authorizing creation of a citizen  
44 support organization for Florida Missing Children's Day by  
45 the Department of Law Enforcement to provide assistance,  
46 funding, and promotional support for activities authorized  
47 for that day; providing for duties and functions of the  
48 support organization; authorizing the department to fix  
49 and collect charges for the rental of facilities and  
50 properties managed by the department and providing for  
51 deposit and use of moneys collected; providing that the  
52 support organization is not a lobbyist; providing for the  
53 use and management of department property; providing for  
54 an annual audit; providing an effective date.

55  
56 Be It Enacted by the Legislature of the State of Florida:

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57  
 58 Section 1. Subsection (3) is added to section 943.05,  
 59 Florida Statutes, to read:

60 943.05 Criminal Justice Information Program; duties; crime  
 61 reports.--

62 (3) If fingerprints submitted to the department for  
 63 background screening, whether retained or not, are identified  
 64 with the fingerprints of a person having a criminal history  
 65 record, such fingerprints may thereafter be available for all  
 66 purposes and uses authorized for arrest fingerprint cards,  
 67 including, but not limited to, entry into the statewide  
 68 automated fingerprint identification system to augment or  
 69 replace the fingerprints that identify the criminal history  
 70 record.

71 Section 2. Paragraph (b) of subsection (3) of section  
 72 943.053, Florida Statutes, is amended to read:

73 943.053 Dissemination of criminal justice information;  
 74 fees.--

75 (3)  
 76 (b) The fee per record for criminal history information  
 77 provided pursuant to this subsection and s. 943.0542 is \$23 per  
 78 name submitted, except that the fee for vendors of the  
 79 Department of Children and Family Services, the Department of  
 80 Juvenile Justice, and the Department of Elderly Affairs shall be  
 81 \$8 for each name submitted; the fee for a state criminal history  
 82 provided for application processing as required by law to be  
 83 performed by the Department of Agriculture and Consumer Services  
 84 shall be \$15 for each name submitted; and the fee for requests

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85 | under s. 943.0542, which implements the National Child  
 86 | Protection Act, shall be \$18 for each volunteer name submitted.  
 87 | The state offices of the Public Defender shall not be assessed a  
 88 | fee for Florida criminal history information or wanted person  
 89 | information.

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

92 | 943.0542 Access to criminal history information provided  
 93 | by the department to qualified entities.--

94 | (2)

95 | (b) A qualified entity shall submit to the department a  
 96 | request for screening an employee or volunteer or person  
 97 | applying to be an employee or volunteer on a completed  
 98 | fingerprint card, or the request may be submitted  
 99 | electronically. The qualified entity must maintain, ~~with a~~  
 100 | signed waiver allowing the release of the state and national  
 101 | criminal history record information to the qualified entity.

102 | (c) Each such request must be accompanied by a fee for a  
 103 | statewide criminal history check by the department established  
 104 | by, ~~which shall approximate the actual cost of producing the~~  
 105 | ~~record information, as provided in s. 943.053,~~ plus the amount  
 106 | currently prescribed ~~required~~ by the Federal Bureau of  
 107 | Investigation for the national criminal history check in  
 108 | compliance with the National Child Protection Act of 1993, as  
 109 | amended.

110 | Section 4. Section 943.0581, Florida Statutes, is amended  
 111 | to read:

112 | 943.0581 Administrative expunction.--

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113 (1) Notwithstanding any law dealing generally with the  
114 preservation and destruction of public records, the department  
115 may adopt a ~~provide, by rule adopted~~ pursuant to chapter 120,  
116 for the administrative expunction of any nonjudicial record of  
117 an arrest of a minor or an adult made contrary to law or by  
118 mistake.

119 (2) A law enforcement agency shall apply to the department  
120 in the manner prescribed by rule for the administrative  
121 expunction of any nonjudicial record of any arrest of a minor or  
122 an adult who is subsequently determined by the agency, at its  
123 discretion, or by the final order of a court of competent  
124 jurisdiction, to have been arrested contrary to law or by  
125 mistake.

126 (3) An adult or, in the case of a minor child, the parent  
127 or legal guardian of the minor child, may apply to the  
128 department in the manner prescribed by rule for the  
129 administrative expunction of any nonjudicial record of an arrest  
130 alleged to have been made contrary to law or by mistake,  
131 provided that the application is supported by the endorsement of  
132 the head of the arresting agency or his or her designee or the  
133 state attorney of the judicial circuit in which the arrest  
134 occurred or his or her designee.

135 (4) An application for administrative expunction shall  
136 include ~~an affidavit executed by the chief of the law~~  
137 ~~enforcement agency, sheriff, or department head of the state law~~  
138 ~~enforcement agency in which the affiant verifies that he or she~~  
139 ~~has reviewed the record of the arrest and that the arrest was~~  
140 ~~contrary to law or was a mistake. The affidavit shall include~~

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141 the date and time of the arrest, ~~the name of the arresting~~  
 142 ~~officer,~~ the name of the person arrested, the offender-based  
 143 tracking system (OBTS) number, and the crime or crimes charged.  
 144 The application shall be on the submitting agency's letterhead  
 145 and shall be signed by the head of the submitting agency or his  
 146 or her designee.

147 (5) If the person was arrested on a warrant, capias, or  
 148 pick-up order, a request for an administrative expunction may be  
 149 made by the sheriff of the county in which the warrant, capias,  
 150 or pick-up order was issued or his or her designee or by the  
 151 state attorney of the judicial circuit in which the warrant,  
 152 capias, or pick-up order was issued or his or her designee.

153 (6)-(5) An ~~No~~ application or, ~~endorsement, or affidavit~~  
 154 ~~made~~ under this section is not ~~shall be~~ admissible as evidence  
 155 in any judicial or administrative proceeding or otherwise be  
 156 construed in any way as an admission of liability in connection  
 157 with an arrest.

158 Section 5. Paragraph (a) of subsection (4) of section  
 159 943.0585, Florida Statutes, is amended to read:

160 943.0585 Court-ordered expunction of criminal history  
 161 records.--The courts of this state have jurisdiction over their  
 162 own procedures, including the maintenance, expunction, and  
 163 correction of judicial records containing criminal history  
 164 information to the extent such procedures are not inconsistent  
 165 with the conditions, responsibilities, and duties established by  
 166 this section. Any court of competent jurisdiction may order a  
 167 criminal justice agency to expunge the criminal history record  
 168 of a minor or an adult who complies with the requirements of

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169 | this section. The court shall not order a criminal justice  
170 | agency to expunge a criminal history record until the person  
171 | seeking to expunge a criminal history record has applied for and  
172 | received a certificate of eligibility for expunction pursuant to  
173 | subsection (2). A criminal history record that relates to a  
174 | violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
175 | s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
176 | 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
177 | 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
178 | any violation specified as a predicate offense for registration  
179 | as a sexual predator pursuant to s. 775.21, without regard to  
180 | whether that offense alone is sufficient to require such  
181 | registration, or for registration as a sexual offender pursuant  
182 | to s. 943.0435, may not be expunged, without regard to whether  
183 | adjudication was withheld, if the defendant was found guilty of  
184 | or pled guilty or nolo contendere to the offense, or if the  
185 | defendant, as a minor, was found to have committed, or pled  
186 | guilty or nolo contendere to committing, the offense as a  
187 | delinquent act. The court may only order expunction of a  
188 | criminal history record pertaining to one arrest or one incident  
189 | of alleged criminal activity, except as provided in this  
190 | section. The court may, at its sole discretion, order the  
191 | expunction of a criminal history record pertaining to more than  
192 | one arrest if the additional arrests directly relate to the  
193 | original arrest. If the court intends to order the expunction of  
194 | records pertaining to such additional arrests, such intent must  
195 | be specified in the order. A criminal justice agency may not  
196 | expunge any record pertaining to such additional arrests if the

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197 order to expunge does not articulate the intention of the court  
198 to expunge a record pertaining to more than one arrest. This  
199 section does not prevent the court from ordering the expunction  
200 of only a portion of a criminal history record pertaining to one  
201 arrest or one incident of alleged criminal activity.

202 Notwithstanding any law to the contrary, a criminal justice  
203 agency may comply with laws, court orders, and official requests  
204 of other jurisdictions relating to expunction, correction, or  
205 confidential handling of criminal history records or information  
206 derived therefrom. This section does not confer any right to the  
207 expunction of any criminal history record, and any request for  
208 expunction of a criminal history record may be denied at the  
209 sole discretion of the court.

210 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any  
211 criminal history record of a minor or an adult which is ordered  
212 expunged by a court of competent jurisdiction pursuant to this  
213 section must be physically destroyed or obliterated by any  
214 criminal justice agency having custody of such record; except  
215 that any criminal history record in the custody of the  
216 department must be retained in all cases. A criminal history  
217 record ordered expunged that is retained by the department is  
218 confidential and exempt from the provisions of s. 119.07(1) and  
219 s. 24(a), Art. I of the State Constitution and not available to  
220 any person or entity except upon order of a court of competent  
221 jurisdiction. A criminal justice agency may retain a notation  
222 indicating compliance with an order to expunge.

223 (a) The person who is the subject of a criminal history  
224 record that is expunged under this section or under other



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225 provisions of law, including former s. 893.14, former s. 901.33,  
 226 and former s. 943.058, may lawfully deny or fail to acknowledge  
 227 the arrests covered by the expunged record, except when the  
 228 subject of the record:

- 229 1. Is a candidate for employment with a criminal justice  
 230 agency;
- 231 2. Is a defendant in a criminal prosecution;
- 232 3. Concurrently or subsequently petitions for relief under  
 233 this section or s. 943.059;
- 234 4. Is a candidate for admission to The Florida Bar;
- 235 5. Is seeking to be employed or licensed by or to contract  
 236 with the Department of Children and Family Services, the Agency  
 237 for Health Care Administration, the Agency for Persons with  
 238 Disabilities, or the Department of Juvenile Justice or to be  
 239 employed or used by such contractor or licensee in a sensitive  
 240 position having direct contact with children, the  
 241 developmentally disabled, the aged, or the elderly as provided  
 242 in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.  
 243 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),  
 244 chapter 916, s. 985.644, chapter 400, or chapter 429;
- 245 6. Is seeking to be employed or licensed by the Department  
 246 of Education, any district school board, any university  
 247 laboratory school, any charter school, any private or parochial  
 248 school, or any local governmental entity that licenses child  
 249 care facilities; or
- 250 7. Is seeking authorization from a Florida seaport  
 251 identified in s. 311.09 for employment within or access to one  
 252 or more of such seaports pursuant to s. 311.12 or s. 311.125.

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253 Section 6. Subsection (4) of section 943.059, Florida  
254 Statutes, is amended to read:

255 943.059 Court-ordered sealing of criminal history  
256 records.--The courts of this state shall continue to have  
257 jurisdiction over their own procedures, including the  
258 maintenance, sealing, and correction of judicial records  
259 containing criminal history information to the extent such  
260 procedures are not inconsistent with the conditions,  
261 responsibilities, and duties established by this section. Any  
262 court of competent jurisdiction may order a criminal justice  
263 agency to seal the criminal history record of a minor or an  
264 adult who complies with the requirements of this section. The  
265 court shall not order a criminal justice agency to seal a  
266 criminal history record until the person seeking to seal a  
267 criminal history record has applied for and received a  
268 certificate of eligibility for sealing pursuant to subsection  
269 (2). A criminal history record that relates to a violation of s.  
270 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
271 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
272 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
273 916.1075, a violation enumerated in s. 907.041, or any violation  
274 specified as a predicate offense for registration as a sexual  
275 predator pursuant to s. 775.21, without regard to whether that  
276 offense alone is sufficient to require such registration, or for  
277 registration as a sexual offender pursuant to s. 943.0435, may  
278 not be sealed, without regard to whether adjudication was  
279 withheld, if the defendant was found guilty of or pled guilty or  
280 nolo contendere to the offense, or if the defendant, as a minor,

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281 was found to have committed or pled guilty or nolo contendere to  
282 committing the offense as a delinquent act. The court may only  
283 order sealing of a criminal history record pertaining to one  
284 arrest or one incident of alleged criminal activity, except as  
285 provided in this section. The court may, at its sole discretion,  
286 order the sealing of a criminal history record pertaining to  
287 more than one arrest if the additional arrests directly relate  
288 to the original arrest. If the court intends to order the  
289 sealing of records pertaining to such additional arrests, such  
290 intent must be specified in the order. A criminal justice agency  
291 may not seal any record pertaining to such additional arrests if  
292 the order to seal does not articulate the intention of the court  
293 to seal records pertaining to more than one arrest. This section  
294 does not prevent the court from ordering the sealing of only a  
295 portion of a criminal history record pertaining to one arrest or  
296 one incident of alleged criminal activity. Notwithstanding any  
297 law to the contrary, a criminal justice agency may comply with  
298 laws, court orders, and official requests of other jurisdictions  
299 relating to sealing, correction, or confidential handling of  
300 criminal history records or information derived therefrom. This  
301 section does not confer any right to the sealing of any criminal  
302 history record, and any request for sealing a criminal history  
303 record may be denied at the sole discretion of the court.

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

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309 | to the person who is the subject of the record, to the subject's  
 310 | attorney, to criminal justice agencies for their respective  
 311 | criminal justice purposes, which include conducting a criminal  
 312 | history background check for approval of firearms purchases or  
 313 | transfers as authorized by state or federal law, to judges in  
 314 | the state courts system for the purpose of assisting them in  
 315 | their case-related decisionmaking responsibilities, as set forth  
 316 | in s. 943.053(5), or to those entities set forth in  
 317 | subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
 318 | licensing, access authorization, and employment purposes.

319 |         (a) The subject of a criminal history record sealed under  
 320 | this section or under other provisions of law, including former  
 321 | s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
 322 | deny or fail to acknowledge the arrests covered by the sealed  
 323 | record, except when the subject of the record:

- 324 |             1. Is a candidate for employment with a criminal justice
- 325 |             agency;
- 326 |             2. Is a defendant in a criminal prosecution;
- 327 |             3. Concurrently or subsequently petitions for relief under
- 328 |             this section or s. 943.0585;
- 329 |             4. Is a candidate for admission to The Florida Bar;
- 330 |             5. Is seeking to be employed or licensed by or to contract
- 331 |             with the Department of Children and Family Services, the Agency
- 332 |             for Health Care Administration, the Agency for Persons with
- 333 |             Disabilities, or the Department of Juvenile Justice or to be
- 334 |             employed or used by such contractor or licensee in a sensitive
- 335 |             position having direct contact with children, the
- 336 |             developmentally disabled, the aged, or the elderly as provided

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337 in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.  
 338 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
 339 415.103, chapter 916, s. 985.644, chapter 400, or chapter 429;

340 6. Is seeking to be employed or licensed by the Department  
 341 of Education, any district school board, any university  
 342 laboratory school, any charter school, any private or parochial  
 343 school, or any local governmental entity that licenses child  
 344 care facilities;

345 7. Is attempting to purchase a firearm from a licensed  
 346 importer, licensed manufacturer, or licensed dealer and is  
 347 subject to a criminal history background check under state or  
 348 federal law; or

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

352 (b) Subject to the exceptions in paragraph (a), a person  
 353 who has been granted a sealing under this section, former s.  
 354 893.14, former s. 901.33, or former s. 943.058 may not be held  
 355 under any provision of law of this state to commit perjury or to  
 356 be otherwise liable for giving a false statement by reason of  
 357 such person's failure to recite or acknowledge a sealed criminal  
 358 history record.

359 (c) Information relating to the existence of a sealed  
 360 criminal record provided in accordance with the provisions of  
 361 paragraph (a) is confidential and exempt from the provisions of  
 362 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
 363 except that the department shall disclose the sealed criminal  
 364 history record to the entities set forth in subparagraphs (a)1.,

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365 4., 5., 6., and 8. for their respective licensing, access  
 366 authorization, and employment purposes. It is unlawful for any  
 367 employee of an entity set forth in subparagraph (a)1.,  
 368 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or  
 369 subparagraph (a)8. to disclose information relating to the  
 370 existence of a sealed criminal history record of a person  
 371 seeking employment, access authorization, or licensure with such  
 372 entity or contractor, except to the person to whom the criminal  
 373 history record relates or to persons having direct  
 374 responsibility for employment, access authorization, or  
 375 licensure decisions. Any person who violates the provisions of  
 376 this paragraph commits a misdemeanor of the first degree,  
 377 punishable as provided in s. 775.082 or s. 775.083.

378 Section 7. Subsection (1) of section 943.06, Florida  
 379 Statutes, is amended to read:

380 943.06 Criminal and Juvenile Justice Information Systems  
 381 Council.--There is created a Criminal and Juvenile Justice  
 382 Information Systems Council within the department.

383 (1) The council shall be composed of 15 ~~14~~ members,  
 384 consisting of the Attorney General or a designated assistant;  
 385 the executive director of the Department of Law Enforcement or a  
 386 designated assistant; the secretary of the Department of  
 387 Corrections or a designated assistant; the chair of the Parole  
 388 Commission or a designated assistant; the Secretary of Juvenile  
 389 Justice or a designated assistant; the executive director of the  
 390 Department of Highway Safety and Motor Vehicles or a designated  
 391 assistant; the Secretary of Children and Family Services or a  
 392 designated assistant; the State Courts Administrator or a

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393 designated assistant; 1 public defender appointed by the Florida  
 394 Public Defender Association, Inc.; 1 state attorney appointed by  
 395 the Florida Prosecuting Attorneys Association, Inc.; and 5  
 396 members, to be appointed by the Governor, consisting of 2  
 397 sheriffs, 2 police chiefs, and 1 clerk of the circuit court.

398 Section 8. Section 943.08, Florida Statutes, is amended to  
 399 read:

400 (Substantial rewording of section. See s.  
 401 943.08, F.S., for present text.)

402 943.08 Duties; Criminal and Juvenile Justice Information  
 403 Systems Council.--

404 (1) The council shall facilitate the identification,  
 405 standardization, sharing, and coordination of criminal and  
 406 juvenile justice data and other public safety system data among  
 407 federal, state, and local agencies.

408 (2) The council shall adopt uniform information-exchange  
 409 standards, methodologies, and best practices, applying national  
 410 standards and models when appropriate, in order to guide local  
 411 and state criminal justice agencies when procuring,  
 412 implementing, or modifying information systems.

413 (3) The council shall provide statewide oversight and  
 414 support the development of plans and policies relating to public  
 415 safety information systems in order to facilitate the effective  
 416 identification, standardization, access, sharing, integrating,  
 417 and coordinating of criminal and juvenile justice data among  
 418 federal, state, and local agencies. The council shall make  
 419 recommendations addressing each of the following:

420 (a) Privacy of data.

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- 421           (b) Security of systems.
- 422           (c) Functional and information-sharing standards.
- 423           (d) Accuracy, timeliness, and completeness of data.
- 424           (e) Access to data and systems.
- 425           (f) Transmission of data and information.
- 426           (g) Dissemination of information.
- 427           (h) Training.
- 428           (i) Other areas that effect the sharing of criminal and
- 429 juvenile justice information and other public safety system
- 430 information.
- 431           (4) The council shall provide oversight to the operation
- 432 of the Criminal Justice Network (CJNet) for which the department
- 433 shall serve as custodial manager pursuant to s. 943.0544.
- 434 Criminal justice agencies participating in the Criminal Justice
- 435 Network shall adhere to CJNet standards and policies.
- 436           Section 9. Section 943.081, Florida Statutes, is amended
- 437 to read:
- 438           943.081 Public safety system information technology
- 439 resources; guiding principles.--The following guiding principles
- 440 adopted by the Criminal and Juvenile Justice Information Systems
- 441 Council are hereby adopted as guiding principles for the
- 442 management of public safety system information technology
- 443 resources:
- 444           (1) Cooperative planning by public safety system entities
- 445 is a prerequisite for the effective development of systems to
- 446 enable sharing of data.



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447 (2) The planning process, as well as coordination of  
 448 development efforts, should identify and include all principals  
 449 from the outset.

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

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

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

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

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

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

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

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

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

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

478 ~~(c) Statistical data that may be required infrequently or~~  
 479 ~~on a one time basis should be captured via sampling or other~~  
 480 ~~methods.~~

481 ~~(d) Only data that are auditable, or that otherwise can be~~  
 482 ~~determined to be accurate, valid, and reliable should be~~  
 483 ~~maintained.~~

484 ~~(9) Methods of sharing data among different protocols must~~  
 485 ~~be developed without requiring major redesign or replacement of~~  
 486 ~~individual systems.~~

487 Section 10. Citizen support organization for Florida  
 488 Missing Children's Day.--

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

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

495 (a) A Florida corporation not for profit incorporated  
 496 under chapter 617, Florida Statutes, and approved by the  
 497 Department of State.

498 (b) Organized and operated to conduct programs and  
 499 activities; raise funds; request and receive grants, gifts, and  
 500 bequests of money; acquire, receive, hold, invest, and

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501 administer, in its own name, securities, funds, objects of  
 502 value, or other property, either real or personal; and make  
 503 expenditures to or for the direct or indirect benefit of the  
 504 department in furtherance of Florida Missing Children's Day.

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

507 (4) The citizen support organization is specifically  
 508 authorized to collect and expend funds to be used for awards;  
 509 public awareness and awards ceremonies, workshops, and other  
 510 meetings, including distribution materials for public education  
 511 and awareness; travel; Internet and web-hosting services;  
 512 administrative costs, including personnel costs; costs of  
 513 audits; and costs of facilities rental.

514 (5) The activities of the citizen support organization  
 515 must be determined by the department to be consistent with the  
 516 goals and mission of the department and in the best interests of  
 517 the state and approved in writing by the department to operate  
 518 for the direct or indirect benefit of the department. The  
 519 approval shall be given in a letter of agreement from the  
 520 department.

521 (6) (a) The department may fix and collect charges for the  
 522 rental of facilities and properties managed by the department  
 523 and may permit, without charge, appropriate use of  
 524 administrative services, property, and facilities of the  
 525 department by the citizen support organization, subject to this  
 526 section. The use must be directly in keeping with the approved  
 527 purposes of the citizen support organization and may not be made  
 528 at times or places that would unreasonably interfere with

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529 opportunities for the public to use such facilities for  
530 established purposes. Any money received from rentals of  
531 facilities and properties managed by the department may be held  
532 in the Operating Trust Fund of the department or in a separate  
533 depository account in the name of the citizen support  
534 organization and subject to the provisions of the letter of  
535 agreement with the department. The letter of agreement must  
536 provide that any funds held in the separate depository account  
537 in the name of the citizen support organization must revert to  
538 the department if the citizen support organization is no longer  
539 approved by the department to operate in the best interests of  
540 the state.

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

544 (c) The department may not permit the use of any  
545 administrative services, property, or facilities of the state by  
546 a citizen support organization that does not provide equal  
547 membership and employment opportunities to all persons  
548 regardless of race, color, religion, gender, age, or national  
549 origin.

550 (7) The citizen support organization shall provide for an  
551 independent annual financial audit in accordance with s.  
552 215.981, Florida Statutes. Copies of the audit shall be provided  
553 to the department, the Office of Policy and Budget in the  
554 Executive Office of the Governor, and the Florida Cabinet.

555 Section 11. This act shall take effect July 1, 2008.