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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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The Committee on Criminal Justice (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 125.5801, Florida Statutes, is amended to read:

125.5801 Criminal history record checks for certain county employees and appointees.—

(1) Notwithstanding chapter 435, a county may require, by ordinance, state and national criminal history ~~employment~~ screening for:

(a) Any position of county employment or appointment,



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13 whether paid, unpaid, or contractual, which the governing body  
14 of the county finds is critical to security or public safety;7  
15 ~~or for~~

16 (b) Any private contractor, employee of a private  
17 contractor, vendor, repair person, or delivery person who is  
18 subject to licensing or regulation by the county; or

19 (c) Any private contractor, employee of a private  
20 contractor, vendor, repair person, or delivery person who has  
21 direct contact with individual members of the public or access  
22 to any public facility or publicly operated facility in such a  
23 manner or to such an extent that the governing body of the  
24 county finds that preventing unsuitable persons from having such  
25 contact or access is critical to security or public safety.

26 (2) The ordinance must require each person applying for, or  
27 continuing employment or appointment in, any such position,  
28 applying for initial or continuing licensing or regulation, or  
29 having such contact or access to any such facility to be  
30 fingerprinted. The fingerprints shall be submitted to the  
31 Department of Law Enforcement for a state criminal history  
32 record check and to the Federal Bureau of Investigation for a  
33 national criminal history record check. The information obtained  
34 from the criminal history record checks conducted pursuant to  
35 the ordinance may be used by the county to determine a person's  
36 ~~an applicant's~~ eligibility for such employment or appointment  
37 and to determine a person's ~~an employee's~~ eligibility for  
38 continued employment or appointment. This section is not  
39 intended to preempt or prevent any other background screening,  
40 including, but not limited to, criminal history record checks,  
41 which a county may lawfully undertake.



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42 Section 2. Section 166.0442, Florida Statutes, is amended  
43 to read:

44 166.0442 Criminal history record checks for certain  
45 municipal employees and appointees.—

46 (1) Notwithstanding chapter 435, a municipality may  
47 require, by ordinance, state and national criminal history  
48 employment screening for:

49 (a) Any position of municipal employment or appointment,  
50 whether paid, unpaid, or contractual, which the governing body  
51 of the municipality finds is critical to security or public  
52 safety; ~~or for~~

53 (b) Any private contractor, employee of a private  
54 contractor, vendor, repair person, or delivery person who is  
55 subject to licensing or regulation by the municipality; or

56 (c) Any private contractor, employee of a private  
57 contractor, vendor, repair person, or delivery person who has  
58 direct contact with individual members of the public or access  
59 to any public facility or publicly operated facility in such a  
60 manner or to such an extent that the governing body of the  
61 municipality finds that preventing unsuitable persons from  
62 having such contact or access is critical to security or public  
63 safety.

64 (2) The ordinance must require each person applying for, or  
65 continuing employment or appointment in, any such position,  
66 applying for initial or continuing licensing or regulation, or  
67 having such contact or access to any such facility to be  
68 fingerprinted. The fingerprints shall be submitted to the  
69 Department of Law Enforcement for a state criminal history  
70 record check and to the Federal Bureau of Investigation for a



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71 national criminal history record check. The information obtained  
72 from the criminal history record checks conducted pursuant to  
73 the ordinance may be used by the municipality to determine a  
74 person's ~~an applicant's~~ eligibility for such employment or  
75 appointment and to determine a person's ~~an employee's~~  
76 eligibility for continued employment or appointment. This  
77 section is not intended to preempt or prevent any other  
78 background screening, including, but not limited to, criminal  
79 history background checks, that a municipality may lawfully  
80 undertake.

81 Section 3. Section 406.145, Florida Statutes, is amended to  
82 read:

83 406.145 Unidentified persons; reporting requirements.—When  
84 an unidentified body is transported to a district medical  
85 examiner pursuant to this chapter, the medical examiner shall  
86 immediately report receipt of such body to the appropriate law  
87 enforcement agency, provided such law enforcement agency was not  
88 responsible for transportation of the body to the medical  
89 examiner. If the medical examiner cannot determine the law  
90 enforcement agency having jurisdiction, he or she shall notify  
91 the sheriff of the county in which the medical examiner is  
92 located, who shall determine the law enforcement agency  
93 responsible for the identification. It is the duty of the law  
94 enforcement officer assigned to and investigating the death to  
95 immediately establish the identity of the body. If the body is  
96 not immediately identified, the law enforcement agency  
97 responsible for investigating the death shall ~~complete an~~  
98 ~~Unidentified Person Report~~ and enter the data concerning the  
99 body, through the Florida Crime Information Center, into the



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100 Unidentified Person File of the National Crime Information  
101 Center. ~~An Unidentified Person Report is that form identified by~~  
102 ~~the Florida Department of Law Enforcement for use by law~~  
103 ~~enforcement agencies in compiling information for entrance into~~  
104 ~~the Unidentified Person File.~~

105 Section 4. Paragraph (b) of subsection (5) of section  
106 538.26, Florida Statutes, is amended to read:

107 538.26 Certain acts and practices prohibited.—It is  
108 unlawful for a secondary metals recycler to do or allow any of  
109 the following acts:

110 (5)

111 (b) The purchase of any of the following regulated metals  
112 property is subject to the restrictions provided in paragraph

113 (a):

114 1. A manhole cover.

115 2. An electric light pole or other utility structure and  
116 its fixtures, wires, and hardware that are readily identifiable  
117 as connected to the utility structure.

118 3. A guard rail.

119 4. A street sign, traffic sign, or traffic signal and its  
120 fixtures and hardware.

121 5. Communication, transmission, distribution, and service  
122 wire from a utility, including copper or aluminum bus bars,  
123 connectors, grounding plates, or grounding wire.

124 6. A funeral marker or funeral vase.

125 7. A historical marker.

126 8. Railroad equipment, including, but not limited to, a tie  
127 plate, signal house, control box, switch plate, E clip, or rail  
128 tie junction.



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129           9. Any metal item that is observably marked upon reasonable  
130 inspection with any form of the name, initials, or logo of a  
131 governmental entity, utility company, cemetery, or railroad.

132           10. A copper, aluminum, or aluminum-copper condensing or  
133 evaporator coil, including its tubing or rods, from an air-  
134 conditioning or heating unit, excluding coils from window air-  
135 conditioning or heating units and motor vehicle air-conditioning  
136 or heating units.

137           11. An aluminum or stainless steel container or bottle  
138 designed to hold propane for fueling forklifts.

139           12. A stainless steel beer keg.

140           13. A catalytic converter or any nonferrous part of a  
141 catalytic converter unless purchased as part of a motor vehicle.

142           14. Metallic wire that has been burned in whole or in part  
143 to remove insulation.

144           15. A brass or bronze commercial valve or fitting, referred  
145 to as a "fire department connection and control valve" or an  
146 "FDC valve," that is commonly used on structures for access to  
147 water for the purpose of extinguishing fires.

148           16. A brass or bronze commercial potable water backflow  
149 preventer valve that is commonly used to prevent backflow of  
150 potable water from commercial structures into municipal domestic  
151 water service systems.

152           17. A shopping cart.

153           18. A brass water meter.

154           19. A storm grate.

155           20. A brass sprinkler head used in commercial agriculture.

156           21. More than two lead-acid batteries, or any part or  
157 component thereof, in a single purchase or from the same



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158 individual in a single day.

159 Section 5. Paragraphs (b), (d), and (e) of subsection (5)  
160 of section 937.021, Florida Statutes, are amended to read:

161 937.021 Missing child and missing adult reports.-

162 (5)

163 (b) Upon receiving a request to record, report, transmit,  
164 display, or release information and photographs pertaining to a  
165 missing adult or missing child from the law enforcement agency  
166 having jurisdiction over the missing adult or missing child, the  
167 department, a state or local law enforcement agency, and the  
168 personnel of these agencies; any radio or television network,  
169 broadcaster, or other media representative; any dealer of  
170 communications services as defined in s. 202.11; or any agency,  
171 employee, individual, or person is immune from civil liability  
172 for damages for complying in good faith with the request to  
173 provide information and is presumed to have acted in good faith  
174 in recording, reporting, transmitting, displaying, or releasing  
175 information or photographs pertaining to the missing adult or  
176 missing child.

177 (d) The presumption of good faith is not overcome if a  
178 technical or clerical error is made by any agency, employee,  
179 individual, or entity acting at the request of the local law  
180 enforcement agency having jurisdiction, or if the Amber Alert,  
181 Missing Child Alert, missing child information, missing adult  
182 information, or Silver Alert information is incomplete or  
183 incorrect because the information received from the local law  
184 enforcement agency was incomplete or incorrect.

185 (e) Neither this subsection nor any other provision of law  
186 creates a duty of the agency, employee, individual, or entity to



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187 record, report, transmit, display, or release the Amber Alert,  
188 Missing Child Alert, missing child information, missing adult  
189 information, or Silver Alert information received from the local  
190 law enforcement agency having jurisdiction. The decision to  
191 record, report, transmit, display, or release information is  
192 discretionary with the agency, employee, individual, or entity  
193 receiving the information.

194 Section 6. Paragraphs (d) and (e) of subsection (1) and  
195 paragraph (a) of subsection (2) of section 937.024, Florida  
196 Statutes, are amended to read:

197 937.024 Birth records of missing children; registrars'  
198 duties.-

199 (1) The Office of Vital Statistics shall:

200 ~~(d) Recall each missing child's birth certificate or birth~~  
201 ~~record from the local registrar of vital statistics in the~~  
202 ~~county of the missing child's birth.~~

203 (d) ~~(e)~~ Collect each month a list of missing children who  
204 have been located, as provided by the Department of Law  
205 Enforcement's Florida Crime Information Center; identify which,  
206 if any, of the located children were born in this state; and  
207 remove its flags from the birth certificates or birth records of  
208 such children accordingly.

209 (2) (a) A copy of the birth certificate or information  
210 concerning the birth record of any child whose record has been  
211 flagged ~~or recalled~~ pursuant to paragraph (1) (c) ~~or paragraph~~  
212 ~~(1) (d)~~ may not be provided by the State Registrar or any local  
213 registrar in response to any inquiry, unless the flag has been  
214 removed pursuant to paragraph (1) (d) or upon the official  
215 request of the Department of Law Enforcement's Missing





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216 Endangered Persons Information Clearinghouse ~~(1)(e)~~.

217 Section 7. Subsection (7) of section 937.025, Florida  
218 Statutes, is amended to read:

219 937.025 Missing children; student records; reporting  
220 requirements; penalties.—

221 (7) A person who knowingly provides false information  
222 concerning a missing child or the efforts to locate and return a  
223 missing child whose ~~to a~~ parent, family member, or guardian ~~of a~~  
224 ~~child who has been~~ reported the child missing commits a  
225 misdemeanor of the first degree, punishable as provided in s.  
226 775.082 or s. 775.083.

227 Section 8. Section 937.028, Florida Statutes, is amended to  
228 read:

229 937.028 Fingerprints; missing persons ~~children~~.—

230 (1) If fingerprints have been taken for the purpose of  
231 identifying a child, in the event that child becomes missing,  
232 the state agency, public or private organization, or other  
233 person who took such fingerprints shall not release the  
234 fingerprints to any law enforcement agency or other person for  
235 any purpose other than the identification of a missing child.  
236 Such records and data are exempt from ~~the provisions of~~ s.  
237 119.07(1).

238 (2) Fingerprints of children taken and retained by any  
239 state agency other than the Department of Law Enforcement, any  
240 public or private organization, or other person, excluding the  
241 parent or legal custodian of the child, shall be destroyed when  
242 the child attains ~~becomes~~ 18 years of age. Fingerprints of  
243 persons, including children, who are reported missing that have  
244 been entered into the automated biometric identification system



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245 maintained by the Department of Law Enforcement may be retained  
246 until the department is notified that the missing person has  
247 been recovered.

248 Section 9. Paragraph (a) of subsection (6) and subsections  
249 (12), (13), and (15) of section 943.03, Florida Statutes, are  
250 amended to read:

251 943.03 Department of Law Enforcement.-

252 (6) (a) The department shall be governed by all laws  
253 regulating the purchase of supplies and equipment as other state  
254 agencies and may enter into contracts with other state agencies  
255 to make photographs and photocopies ~~photostats~~, to transmit  
256 information electronically ~~by teletype~~, and to perform all those  
257 services consonant with the purpose of this chapter.

258 (12) The department may establish, implement, and maintain  
259 a statewide, integrated ~~violent~~ crime information system capable  
260 of transmitting criminal justice information relating to ~~violent~~  
261 criminal offenses to and between criminal justice agencies  
262 throughout the state.

263 (13) Subject to sufficient annual appropriations, the  
264 department shall develop and maintain, in consultation with the  
265 Criminal and Juvenile Justice Information Systems Council under  
266 s. 943.08, an information system that supports the  
267 administration of the state's criminal and juvenile justice  
268 information sharing system ~~system~~ in compliance with this chapter and  
269 other provisions of law. The department shall serve as custodial  
270 manager of the Criminal Justice ~~statewide telecommunications and~~  
271 ~~data~~ Network developed and maintained as part of the information  
272 system authorized by this subsection.

273 (15) The Department of Law Enforcement, in consultation



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274 with the Criminal and Juvenile Justice Information Systems  
275 Council established in s. 943.06, shall modify the existing  
276 statewide uniform statute table in its criminal history system  
277 to meet the business requirements of state and local criminal  
278 justice and law enforcement agencies. In order to accomplish  
279 this objective, the department shall:

280 (a) Define the minimum business requirements necessary for  
281 successful implementation.

282 (b) Consider the charging and booking requirements of  
283 sheriffs' offices and police departments and the business  
284 requirements of state attorneys, public defenders, criminal  
285 conflict and civil regional counsel, clerks of court, judges,  
286 and state law enforcement agencies.

287 (c) Adopt rules establishing the necessary technical and  
288 business process standards required to implement, operate, and  
289 ensure uniform system use and compliance.

290

291 ~~The required system modifications and adopted rules shall be~~  
292 ~~implemented by December 31, 2012.~~

293 Section 10. Paragraph (c) of subsection (2), subsections  
294 (4) and (5), paragraphs (b) and (c) of subsection (6), and  
295 paragraphs (a), (b), and (e) of subsection (8) of section  
296 943.031, Florida Statutes, are amended to read:

297 943.031 Florida Violent Crime and Drug Control Council.—

298 (2) MEMBERSHIP.—The council shall consist of 14 members, as  
299 follows:

300 (c) The Secretary of ~~the Department of~~ Corrections or a  
301 designate.

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303 The Governor, when making appointments under this subsection,  
304 must take into consideration representation by geography,  
305 population, ethnicity, and other relevant factors to ensure that  
306 the membership of the council is representative of the state at  
307 large. Designates appearing on behalf of a council member who is  
308 unable to attend a meeting of the council are empowered to vote  
309 on issues before the council to the same extent the designating  
310 council member is so empowered.

311 (4) MEETINGS.—The council must meet at least annually  
312 ~~semiannually~~. Additional meetings may be held when ~~it is~~  
313 determined by the department and the chair ~~that extraordinary~~  
314 ~~circumstances require an additional meeting of the council~~. A  
315 majority of the members of the council constitutes a quorum.  
316 Council meetings may be conducted by conference call,  
317 teleconferencing, or similar technology.

318 (5) DUTIES OF COUNCIL.—Subject to funding provided to the  
319 department by the Legislature, the council shall provide advice  
320 and make recommendations, as necessary, to the executive  
321 director of the department.

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

325 1. Establishing a program that provides grants to criminal  
326 justice agencies that develop and implement effective violent  
327 crime prevention and investigative programs and which provides  
328 grants to law enforcement agencies for the purpose of drug  
329 control, criminal gang, and illicit money laundering  
330 investigative efforts or task force efforts that are determined  
331 by the council to significantly contribute to achieving the



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332 state's goal of reducing drug-related crime, that represent  
333 significant criminal gang investigative efforts, that represent  
334 a significant illicit money laundering investigative effort, or  
335 that otherwise significantly support statewide strategies  
336 developed by the Statewide Drug Policy Advisory Council  
337 established under s. 397.333, subject to the limitations  
338 provided in this section. The grant program may include an  
339 innovations grant program to provide startup funding for new  
340 initiatives by local and state law enforcement agencies to  
341 combat violent crime or to implement drug control, criminal  
342 gang, or illicit money laundering investigative efforts or task  
343 force efforts by law enforcement agencies, including, but not  
344 limited to, initiatives such as:

345 a. Providing enhanced community-oriented policing.

346 b. Providing additional undercover officers and other  
347 investigative officers to assist with violent crime  
348 investigations in emergency situations.

349 c. Providing funding for multiagency or statewide drug  
350 control, criminal gang, or illicit money laundering  
351 investigative efforts or task force efforts that cannot be  
352 reasonably funded completely by alternative sources and that  
353 significantly contribute to achieving the state's goal of  
354 reducing drug-related crime, that represent significant criminal  
355 gang investigative efforts, that represent a significant illicit  
356 money laundering investigative effort, or that otherwise  
357 significantly support statewide strategies developed by the  
358 Statewide Drug Policy Advisory Council established under s.  
359 397.333.

360 2. Expanding the use of automated biometric fingerprint



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361 identification systems at the state and local levels ~~level~~.

362       3. Identifying methods to prevent violent crime.

363       4. Identifying methods to enhance multiagency or statewide

364 drug control, criminal gang, or illicit money laundering

365 investigative efforts or task force efforts that significantly

366 contribute to achieving the state's goal of reducing drug-

367 related crime, that represent significant criminal gang

368 investigative efforts, that represent a significant illicit

369 money laundering investigative effort, or that otherwise

370 significantly support statewide strategies developed by the

371 Statewide Drug Policy Advisory Council established under s.

372 397.333.

373       5. Enhancing criminal justice training programs that

374 address violent crime, drug control, illicit money laundering

375 investigative techniques, or efforts to control and eliminate

376 criminal gangs.

377       6. Developing and promoting crime prevention services and

378 educational programs that serve the public, including, but not

379 limited to:

380       a. Enhanced victim and witness counseling services that

381 also provide crisis intervention, information referral,

382 transportation, and emergency financial assistance.

383       b. A well-publicized rewards program for the apprehension

384 and conviction of criminals who perpetrate violent crimes.

385       7. Enhancing information sharing and assistance in the

386 criminal justice community by expanding the use of community

387 partnerships and community policing programs. Such expansion may

388 include the use of civilian employees or volunteers to relieve

389 law enforcement officers of clerical work in order to enable the



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390 officers to concentrate on street visibility within the  
391 community.

392 (b) The full council shall:

393 1. Receive periodic reports from regional violent crime  
394 investigation and statewide drug control strategy implementation  
395 coordinating teams which relate to violent crime trends or the  
396 investigative needs or successes in the regions, including  
397 discussions regarding the activity of significant criminal gangs  
398 in the region, factors, and trends relevant to the  
399 implementation of the statewide drug strategy, and the results  
400 of drug control and illicit money laundering investigative  
401 efforts funded in part by the council.

402 2. Maintain and use criteria for the disbursement of funds  
403 from the Violent Crime Investigative Emergency and Drug Control  
404 Strategy Implementation Account or any other account from which  
405 the council may disburse proactive investigative funds as may be  
406 established within the Department of Law Enforcement Operating  
407 Trust Fund or other appropriations provided to the Department of  
408 Law Enforcement by the Legislature in the General Appropriations  
409 Act. The criteria shall allow for the advancement of funds to  
410 reimburse agencies regarding violent crime investigations as  
411 approved by the full council and the advancement of funds to  
412 implement proactive drug control strategies or significant  
413 criminal gang investigative efforts as authorized by the Drug  
414 Control Strategy and Criminal Gang Committee or the Victim and  
415 Witness Protection Review Committee. Regarding violent crime  
416 investigation reimbursement, an expedited approval procedure  
417 shall be established for rapid disbursement of funds in violent  
418 crime emergency situations.



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419 (c) As used in this section, "significant criminal gang  
420 investigative efforts" eligible for proactive funding must  
421 involve at a minimum an effort against a known criminal gang  
422 that:

423 1. Involves multiple law enforcement agencies.

424 2. Reflects a dedicated significant investigative effort on  
425 the part of each participating agency in personnel, time devoted  
426 to the investigation, and agency resources dedicated to the  
427 effort.

428 3. Reflects a dedicated commitment by a prosecuting  
429 authority to ensure that cases developed by the investigation  
430 will be timely and effectively prosecuted.

431 4. Demonstrates a strategy and commitment to dismantling  
432 the criminal gang via seizures of assets, significant money  
433 laundering and organized crime investigations and prosecutions,  
434 or similar efforts.

435

436 The council may require satisfaction of additional elements, to  
437 include reporting criminal investigative and criminal  
438 intelligence information related to criminal gang activity and  
439 members in a manner required by the department, as a  
440 prerequisite for receiving proactive criminal gang funding.

441 (6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.—

442 (b) Subject to funding provided to the department by the  
443 Legislature, the committee shall review and approve all requests  
444 for disbursement of funds from the Violent Crime Investigative  
445 Emergency and Drug Control Strategy Implementation Account  
446 within the Department of Law Enforcement Operating Trust Fund  
447 and from other appropriations provided to the department by the





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448 Legislature in the General Appropriations Act. An expedited  
449 approval procedure shall be established for rapid disbursement  
450 of funds in violent crime emergency situations. Committee  
451 meetings may be conducted by conference call, teleconferencing,  
452 or similar technology.

453 (c) Those receiving any proactive funding provided by the  
454 council through the committee shall ~~be required to~~ report the  
455 results of the investigations to the council once the  
456 investigation has been completed. The committee shall also  
457 require ongoing status reports on ongoing investigations using  
458 such findings in its closed sessions and may require a recipient  
459 to return all or any portion of unexpended proactive funds to  
460 the council.

461 (8) VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.—

462 (a) The Victim and Witness Protection Review Committee is  
463 created within the Florida Violent Crime and Drug Control  
464 Council, consisting of the statewide prosecutor or a state  
465 attorney, a sheriff, a chief of police, and the designee of the  
466 executive director of the Department of Law Enforcement. The  
467 committee shall be appointed from the membership of the council  
468 by the chair of the council after the chair has consulted with  
469 the executive director of the Department of Law Enforcement.  
470 Committee members shall meet in conjunction with the meetings of  
471 the council or at other times as required by the department and  
472 the chair. The committee meetings may be conducted by conference  
473 call, teleconferencing, or similar technology.

474 (b) Subject to funding provided to the department by the  
475 Legislature, the committee shall:

476 1. Maintain and use criteria for disbursing funds to



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477 reimburse law enforcement agencies for costs associated with  
478 providing victim and witness temporary protective or temporary  
479 relocation services.

480 2. Review and approve or deny, in whole or in part, all  
481 reimbursement requests submitted by law enforcement agencies.

482 ~~(c) The committee may conduct its meeting by teleconference~~  
483 ~~or conference phone calls when the chair of the committee finds~~  
484 ~~that the need for reimbursement is such that delaying until the~~  
485 ~~next scheduled council meeting will adversely affect the~~  
486 ~~requesting agency's ability to provide the protection services.~~

487 Section 11. Paragraph (b) of subsection (2) and paragraph  
488 (d) of subsection (4) of section 943.0435, Florida Statutes, are  
489 amended to read:

490 943.0435 Sexual offenders required to register with the  
491 department; penalty.—

492 (2) A sexual offender shall:

493 (b) Provide his or her name; date of birth; social security  
494 number; race; sex; height; weight; hair and eye color; tattoos  
495 or other identifying marks; fingerprints; photograph; occupation  
496 and place of employment; address of permanent or legal residence  
497 or address of any current temporary residence, within the state  
498 or out of state, including a rural route address and a post  
499 office box; if no permanent or temporary address, any transient  
500 residence within the state, address, location or description,  
501 and dates of any current or known future temporary residence  
502 within the state or out of state; home telephone number and any  
503 cellular telephone number; any electronic mail address and any  
504 instant message name required to be provided pursuant to  
505 paragraph (4) (d); date and place of each conviction; and a brief



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506 description of the crime or crimes committed by the offender. A  
507 post office box shall not be provided in lieu of a physical  
508 residential address.

509 1. If the sexual offender's place of residence is a motor  
510 vehicle, trailer, mobile home, or manufactured home, as defined  
511 in chapter 320, the sexual offender shall also provide to the  
512 department through the sheriff's office written notice of the  
513 vehicle identification number; the license tag number; the  
514 registration number; and a description, including color scheme,  
515 of the motor vehicle, trailer, mobile home, or manufactured  
516 home. If the sexual offender's place of residence is a vessel,  
517 live-aboard vessel, or houseboat, as defined in chapter 327, the  
518 sexual offender shall also provide to the department written  
519 notice of the hull identification number; the manufacturer's  
520 serial number; the name of the vessel, live-aboard vessel, or  
521 houseboat; the registration number; and a description, including  
522 color scheme, of the vessel, live-aboard vessel, or houseboat.

523 2. If the sexual offender is enrolled, employed, or  
524 carrying on a vocation at an institution of higher education in  
525 this state, the sexual offender shall also provide to the  
526 department through the sheriff's office the name, address, and  
527 county of each institution, including each campus attended, and  
528 the sexual offender's enrollment or employment status. Each  
529 change in enrollment or employment status shall be reported in  
530 person at the sheriff's office, within 48 hours after any change  
531 in status. The sheriff shall promptly notify each institution of  
532 the sexual offender's presence and any change in the sexual  
533 offender's enrollment or employment status.

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535 When a sexual offender reports at the sheriff's office, the  
536 sheriff shall take a photograph and a set of fingerprints of the  
537 offender and forward the photographs and fingerprints to the  
538 department, along with the information provided by the sexual  
539 offender. The sheriff shall promptly provide to the department  
540 the information received from the sexual offender.

541 (4)

542 (d) A sexual offender must register any electronic mail  
543 address or instant message name with the department before ~~prior~~  
544 ~~to~~ using such electronic mail address or instant message name ~~on~~  
545 ~~or after October 1, 2007~~. The department shall establish an  
546 online system through which sexual offenders may securely access  
547 and update all electronic mail address and instant message name  
548 information.

549 Section 12. Section 943.04351, Florida Statutes, is amended  
550 to read:

551 943.04351 Search of registration information regarding  
552 sexual predators and sexual offenders required before ~~prior to~~  
553 appointment or employment.—A state agency or governmental  
554 subdivision, before ~~prior to~~ making any decision to appoint or  
555 employ a person to work, whether for compensation or as a  
556 volunteer, at any park, playground, day care center, or other  
557 place where children regularly congregate, must conduct a search  
558 of that person's name or other identifying information against  
559 the registration information regarding sexual predators and  
560 sexual offenders through the Dru Sjodin National Sexual Offender  
561 Public Website maintained by the United States Department of  
562 Justice. If for any reason that site is not available, a search  
563 of the registration information regarding sexual predators and



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564 sexual offenders maintained by the Department of Law Enforcement  
565 under s. 943.043 shall be performed. ~~The agency or governmental~~  
566 ~~subdivision may conduct the search using the Internet site~~  
567 ~~maintained by the Department of Law Enforcement~~. This section  
568 does not apply to those positions or appointments within a state  
569 agency or governmental subdivision for which a state and  
570 national criminal history background check is conducted.

571 Section 13. Paragraph (a) of subsection (2) of section  
572 943.0438, Florida Statutes, is amended to read:

573 943.0438 Athletic coaches for independent sanctioning  
574 authorities.-

575 (2) An independent sanctioning authority shall:

576 (a)1. Conduct a background screening of each current and  
577 prospective athletic coach. No person shall be authorized by the  
578 independent sanctioning authority to act as an athletic coach  
579 ~~after July 1, 2010,~~ unless a background screening has been  
580 conducted and did not result in disqualification under paragraph  
581 (b). Background screenings shall be conducted annually for each  
582 athletic coach. For purposes of this section, a background  
583 screening shall be conducted with a search of the athletic  
584 coach's name or other identifying information against state and  
585 federal registries of sexual predators and sexual offenders,  
586 which are available to the public on Internet sites provided by:

587 a. The Department of Law Enforcement under s. 943.043; and

588 b. The Attorney General of the United States under 42  
589 U.S.C. s. 16920.

590 2. For purposes of this section, a background screening  
591 conducted by a commercial consumer reporting agency in  
592 compliance with the federal Fair Credit Reporting Act using the



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593 identifying information referenced in subparagraph 1. and that  
594 includes searching that information against the sexual predator  
595 and sexual offender Internet sites listed in sub-subparagraphs  
596 1.a. and b. shall be deemed in compliance with the requirements  
597 of this section.

598 Section 14. Section 943.045, Florida Statutes, is amended  
599 to read:

600 943.045 Definitions; ss. 943.045-943.08.—The following  
601 words and phrases as used in ss. 943.045-943.08 shall have the  
602 following meanings:

603 (13)~~(1)~~ "Criminal justice information system" means a  
604 system, including the equipment, facilities, procedures,  
605 agreements, and organizations thereof, for the collection,  
606 processing, preservation, or dissemination of criminal justice  
607 information.

608 (2) "Administration of criminal justice" means performing  
609 functions of detection, apprehension, detention, pretrial  
610 release, posttrial release, prosecution, adjudication,  
611 correctional supervision, or rehabilitation of accused persons  
612 or criminal offenders by governmental agencies. The  
613 administration of criminal justice includes criminal  
614 identification activities and the collection, processing,  
615 storage, and dissemination of criminal justice information by  
616 governmental agencies.

617 (3) "Biometric" refers to impressions, reproductions, or  
618 representations of human physical characteristics, such as DNA,  
619 fingerprints, palm prints, footprints, retina and iris images,  
620 voice patterns, and facial images, such as booking and driver  
621 license photographs, that, when measured and analyzed, can be



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622 used for identification purposes.

623 (12)~~(3)~~ "Criminal justice information" means information on  
624 individuals collected or disseminated as a result of arrest,  
625 detention, or the initiation of a criminal proceeding by  
626 criminal justice agencies, including arrest record information,  
627 correctional and release information, criminal history record  
628 information, conviction record information, offender  
629 registration information, identification record information, and  
630 wanted persons record information. The term does ~~shall~~ not  
631 include statistical or analytical records or reports in which  
632 individuals are not identified and from which their identities  
633 are not ascertainable. The term does ~~shall~~ not include criminal  
634 intelligence information or criminal investigative information.

635 (5)~~(4)~~ "Criminal history information" means information  
636 collected by criminal justice agencies on persons, which  
637 information consists of identifiable descriptions and notations  
638 of arrests, detentions, indictments, informations, or other  
639 formal criminal charges and the disposition thereof. The term  
640 does not include identification information, such as biometric  
641 ~~fingerprint~~ records, if the information does not indicate  
642 involvement of the person in the criminal justice system.

643 (7)~~(5)~~ "Criminal intelligence information" means  
644 information collected by a criminal justice agency with respect  
645 to an identifiable person or group in an effort to anticipate,  
646 prevent, or monitor possible criminal activity.

647 (9)~~(6)~~ "Criminal investigative information" means  
648 information about an identifiable person or group, ~~compiled~~ by a  
649 criminal justice agency in the course of conducting a criminal  
650 investigation of a specific criminal act or omission, including,



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651 but not limited to, information derived from laboratory tests,  
652 reports of investigators, informants, or any type of  
653 surveillance.

654 (17)~~(7)~~ "Record" means any and all documents, writings,  
655 computer memory, and microfilm, and any other form in which  
656 facts are memorialized, irrespective of whether such record is  
657 an official record, public record, or admissible record or is  
658 merely a copy thereof.

659 (4)~~(8)~~ "Comparable ordinance violation" means a violation  
660 of an ordinance having all the essential elements of a statutory  
661 misdemeanor or felony.

662 (14)~~(9)~~ "Disposition" means details relating to the  
663 termination of an individual criminal defendant's relationship  
664 with a criminal justice agency, including information disclosing  
665 that the law enforcement agency has elected not to refer a  
666 matter to a prosecutor or that a prosecutor has elected not to  
667 commence criminal proceedings, that a court has dealt with the  
668 individual, or that the individual has been incarcerated,  
669 paroled, pardoned, released, or granted clemency. Dispositions  
670 include, but are not limited to, acquittals, dismissals, pleas,  
671 convictions, adjudications, youthful offender determinations,  
672 determinations of mental capacity, placements in intervention  
673 programs, pardons, probations, paroles, and releases from  
674 correctional institutions.

675 (11)~~(10)~~ "Criminal justice agency" means:

- 676 (a) A court.
- 677 (b) The department.
- 678 (c) The Department of Juvenile Justice.
- 679 (d) The protective investigations component of the





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680 Department of Children and Families ~~Family Services~~, which  
681 investigates the crimes of abuse and neglect.

682 (e) Any other governmental agency or subunit thereof that  
683 ~~which~~ performs the administration of criminal justice pursuant  
684 to a statute or rule of court and that ~~which~~ allocates a  
685 substantial part of its annual budget to the administration of  
686 criminal justice.

687 (15) ~~(11)~~ "Disseminate ~~Dissemination~~" means to transmit ~~the~~  
688 ~~transmission of~~ information, whether orally or in writing.

689 (18) ~~(12)~~ "Research or statistical project" means any  
690 program, project, or component the purpose of which is to  
691 develop, measure, evaluate, or otherwise advance the state of  
692 knowledge in a particular area. The term does not include  
693 intelligence, investigative, or other information-gathering  
694 activities in which information is obtained for purposes  
695 directly related to enforcement of the criminal laws.

696 (16) ~~(13)~~ "Expunction of a criminal history record" means  
697 the court-ordered physical destruction or obliteration of a  
698 record or portion of a record by any criminal justice agency  
699 having custody thereof, or as prescribed by the court issuing  
700 the order, except that criminal history records in the custody  
701 of the department must be retained in all cases for purposes of  
702 evaluating subsequent requests by the subject of the record for  
703 sealing or expunction, or for purposes of recreating the record  
704 in the event an order to expunge is vacated by a court of  
705 competent jurisdiction.

706 (19) ~~(14)~~ "Sealing of a criminal history record" means the  
707 preservation of a record under such circumstances that it is  
708 secure and inaccessible to any person not having a legal right



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709 of access to the record or the information contained and  
710 preserved therein.

711 (1)~~(15)~~ "Adjudicated guilty" means that a person has been  
712 found guilty and that the court has not withheld an adjudication  
713 of guilt.

714 (8)~~(16)~~ "Criminal intelligence information system" means a  
715 system, including the equipment, facilities, procedures,  
716 agreements ~~agreement~~, and organizations thereof, for the  
717 collection, processing, preservation, or dissemination of  
718 criminal intelligence information.

719 (10)~~(17)~~ "Criminal investigative information system" means  
720 a system, including the equipment, facilities, procedures,  
721 agreements, and organizations thereof, for the collection,  
722 processing, preservation, or dissemination of criminal  
723 investigative information.

724 (6)~~(18)~~ "Criminal history record" means any nonjudicial  
725 record maintained by a criminal justice agency containing  
726 criminal history information.

727 Section 15. Paragraphs (b), (c), (d), (e), (g), and (h) of  
728 subsection (2) and subsection (3) of section 943.05, Florida  
729 Statutes, are amended, and subsection (4) of that section is  
730 reenacted, to read:

731 943.05 Criminal Justice Information Program; duties; crime  
732 reports.—

733 (2) The program shall:

734 (b) Establish, implement, and maintain a statewide  
735 automated biometric ~~fingerprint~~ identification system capable  
736 of, but not limited to, reading, classifying, matching, and  
737 storing fingerprints, rolled fingerprints, ~~and~~ latent



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738 fingerprints, palm prints, and facial images. Information  
739 contained within the system shall be available to every criminal  
740 justice agency that is responsible for the administration of  
741 criminal justice.

742 (c) Initiate a crime information system that shall be  
743 responsible for:

744 1. Preparing and disseminating semiannual reports to the  
745 Governor, the Legislature, all criminal justice agencies, and,  
746 upon request, the public. Each report shall include, but not be  
747 limited to, types of crime reported, offenders, arrests, and  
748 victims.

749 2. Upon request, providing other states and federal  
750 criminal justice agencies with Florida crime data. ~~Where~~  
751 ~~convenient, such data shall conform to definitions established~~  
752 ~~by the requesting agencies.~~

753 3. In cooperation with other criminal justice agencies,  
754 developing and maintaining an offender-based transaction system.

755 (d) Adopt rules to effectively and efficiently implement,  
756 administer, manage, maintain, and use the automated biometric  
757 ~~fingerprint~~ identification system and uniform offense reports  
758 and arrest reports. The rules shall be considered minimum  
759 requirements and shall not preclude a criminal justice agency  
760 from implementing its own enhancements. However, rules and forms  
761 prescribing uniform arrest or probable cause affidavits and  
762 alcohol influence reports to be used by all law enforcement  
763 agencies in making DUI arrests under s. 316.193 shall be  
764 adopted, and ~~shall be~~ used by all law enforcement agencies in  
765 this state. ~~The rules and forms prescribing such uniform~~  
766 ~~affidavits and reports shall be adopted and implemented by July~~



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767 ~~1, 2004.~~ Failure to use these uniform affidavits and reports,  
768 however, shall not prohibit prosecution under s. 316.193.

769 (e) Establish, implement, and maintain a Domestic and  
770 Repeat Violence Injunction Statewide Verification System capable  
771 of electronically transmitting information to and between  
772 criminal justice agencies relating to domestic violence  
773 injunctions, injunctions to prevent child abuse issued under  
774 chapter 39, and repeat violence injunctions issued by the courts  
775 throughout the state. Such information must include, but is not  
776 limited to, information as to the existence and status of any  
777 such injunction for verification purposes.

778 (g) Upon official written request, and subject to the  
779 department having sufficient funds and equipment to participate  
780 in such a request, from the agency executive director or  
781 secretary or from his or her designee, or from qualified  
782 entities participating in the volunteer and employee criminal  
783 history screening system under s. 943.0542, or as otherwise  
784 required by law, retain fingerprints submitted by criminal and  
785 noncriminal justice agencies to the department for a criminal  
786 history background screening as provided by rule and enter the  
787 fingerprints in the statewide automated biometric fingerprint  
788 identification system authorized by paragraph (b). Such  
789 fingerprints shall thereafter be available for all purposes and  
790 uses authorized for arrest fingerprint submissions entered into  
791 the statewide automated biometric fingerprint identification  
792 system pursuant to s. 943.051.

793 (h) For each agency or qualified entity that officially  
794 requests retention of fingerprints or for which retention is  
795 otherwise required by law, search all arrest fingerprint



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796 submissions received under s. 943.051 against the fingerprints  
797 retained in the statewide automated biometric fingerprint  
798 identification system under paragraph (g).

799 1. Any arrest record that is identified with the retained  
800 fingerprints of a person subject to background screening as  
801 provided in paragraph (g) shall be reported to the appropriate  
802 agency or qualified entity.

803 2. To participate in this search process, agencies or  
804 qualified entities must notify each person fingerprinted that  
805 his or her fingerprints will be retained, pay an annual fee to  
806 the department unless otherwise provided by law, and inform the  
807 department of any change in the affiliation, employment, or  
808 contractual status of each person whose fingerprints are  
809 retained under paragraph (g) if such change removes or  
810 eliminates the agency or qualified entity's basis or need for  
811 receiving reports of any arrest of that person, so that the  
812 agency or qualified entity is not obligated to pay the upcoming  
813 annual fee for the retention and searching of that person's  
814 fingerprints to the department. The department shall adopt a  
815 rule setting the amount of the annual fee to be imposed upon  
816 each participating agency or qualified entity for performing  
817 these searches and establishing the procedures for the retention  
818 of fingerprints and the dissemination of search results. The fee  
819 may be borne by the agency, qualified entity, or person subject  
820 to fingerprint retention or as otherwise provided by law.  
821 Consistent with the recognition of criminal justice agencies  
822 expressed in s. 943.053(3), these services shall be provided to  
823 criminal justice agencies for criminal justice purposes free of  
824 charge. Qualified entities that elect to participate in the



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825 fingerprint retention and search process are required to timely  
826 remit the fee to the department by a payment mechanism approved  
827 by the department. If requested by the qualified entity, and  
828 with the approval of the department, such fees may be timely  
829 remitted to the department by a qualified entity upon receipt of  
830 an invoice for such fees from the department. Failure of a  
831 qualified entity to pay the amount due on a timely basis or as  
832 invoiced by the department may result in the refusal by the  
833 department to permit the qualified entity to continue to  
834 participate in the fingerprint retention and search process  
835 until all fees due and owing are paid.

836 3. Agencies that participate in the fingerprint retention  
837 and search process may adopt rules pursuant to ss. 120.536(1)  
838 and 120.54 to require employers to keep the agency informed of  
839 any change in the affiliation, employment, or contractual status  
840 of each person whose fingerprints are retained under paragraph  
841 (g) if such change removes or eliminates the agency's basis or  
842 need for receiving reports of any arrest of that person, so that  
843 the agency is not obligated to pay the upcoming annual fee for  
844 the retention and searching of that person's fingerprints to the  
845 department.

846 (3) If fingerprints submitted to the department for  
847 background screening, whether retained or not retained, are  
848 identified with the fingerprints of a person having a criminal  
849 history record, such fingerprints may thereafter be available  
850 for all purposes and uses authorized for arrest fingerprints  
851 ~~fingerprint cards~~, including, but not limited to, entry into the  
852 statewide automated biometric fingerprint identification system  
853 to augment or replace the fingerprints that identify the



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854 criminal history record.

855 (4) Upon notification that a federal fingerprint retention  
856 program is in effect, and subject to the department being funded  
857 and equipped to participate in such a program, the department  
858 shall, if state and national criminal history records checks and  
859 retention of submitted prints are authorized or required by law,  
860 retain the fingerprints as provided in paragraphs (2) (g) and (h)  
861 and advise the Federal Bureau of Investigation to retain the  
862 fingerprints at the national level for searching against arrest  
863 fingerprint submissions received at the national level.

864 Section 16. Subsections (2) and (3) of section 943.051,  
865 Florida Statutes, are amended to read:

866 943.051 Criminal justice information; collection and  
867 storage; fingerprinting.—

868 (2) The fingerprints, palm prints, and facial images of  
869 each adult person charged with or convicted of a felony,  
870 misdemeanor, or violation of a comparable ordinance by a state,  
871 county, municipal, or other law enforcement agency shall be  
872 captured fingerprinted, and electronically such fingerprints  
873 ~~shall be~~ submitted to the department in the manner prescribed by  
874 rule. Exceptions to this requirement for specified misdemeanors  
875 or comparable ordinance violations may be made by the department  
876 by rule.

877 (3) (a) The fingerprints, palm prints, and facial images of  
878 a minor who is charged with or found to have committed an  
879 offense that would be a felony if committed by an adult shall be  
880 captured fingerprinted and the fingerprints shall be  
881 electronically submitted to the department in the manner  
882 prescribed by rule.



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883 (b) A minor who is charged with or found to have committed  
884 the following offenses shall be fingerprinted and the  
885 fingerprints shall be submitted electronically to the  
886 department, unless the minor is issued a civil citation pursuant  
887 to s. 985.12:

- 888 1. Assault, as defined in s. 784.011.
- 889 2. Battery, as defined in s. 784.03.
- 890 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 891 4. Unlawful use of destructive devices or bombs, as defined  
892 in s. 790.1615(1).
- 893 5. Neglect ~~Negligent treatment of a child~~ children, as  
894 defined in s. 827.03(1)(e) ~~former s. 827.05~~.
- 895 6. Assault or battery on a law enforcement officer, a  
896 firefighter, or other specified officers, as defined in s.  
897 784.07(2)(a) and (b).
- 898 7. Open carrying of a weapon, as defined in s. 790.053.
- 899 8. Exposure of sexual organs, as defined in s. 800.03.
- 900 9. Unlawful possession of a firearm, as defined in s.  
901 790.22(5).
- 902 10. Petit theft, as defined in s. 812.014(3).
- 903 11. Cruelty to animals, as defined in s. 828.12(1).
- 904 12. Arson, as defined in s. 806.031(1).
- 905 13. Unlawful possession or discharge of a weapon or firearm  
906 at a school-sponsored event or on school property, as provided  
907 ~~defined~~ in s. 790.115.

908 Section 17. Section 943.052, Florida Statutes, is amended  
909 to read:

910 943.052 Disposition reporting.—The Criminal Justice  
911 Information Program shall, by rule, establish procedures and a





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912 format for each criminal justice agency to monitor its records  
913 and submit reports, as provided by this section, to the program.  
914 The disposition report shall be developed by the program and  
915 shall include the offender-based transaction system number.

916 (1) Each law enforcement officer or booking officer shall  
917 include with submitted arrest information and fingerprints ~~on~~  
918 ~~the arrest fingerprint card~~ the offender-based transaction  
919 system number.

920 (2) Each clerk of the court shall submit the uniform  
921 dispositions to the program or in a manner acceptable to the  
922 program. The report must ~~shall~~ be submitted at least once a  
923 month ~~and, when acceptable by the program, may be submitted in~~  
924 an automated format acceptable to the program. The disposition  
925 report is mandatory for each disposition ~~dispositions~~ relating  
926 to an adult offender ~~and, offenders only~~. beginning July 1,  
927 2008, ~~a disposition report for~~ dispositions ~~each disposition~~  
928 relating to ~~a~~ minor offenders ~~offender is mandatory~~.

929 (3) (a) The Department of Corrections shall submit  
930 fingerprints, palm prints, and facial images ~~information~~ to the  
931 program relating to the receipt ~~or discharge~~ of any person who  
932 is sentenced to a state correctional institution.

933 (b) The Department of Juvenile Justice shall submit  
934 fingerprints, palm prints, and facial images ~~information~~ to the  
935 program relating to the receipt ~~or discharge~~ of any minor who is  
936 found to have committed an offense that would be a felony if  
937 committed by an adult, or is found to have committed a  
938 misdemeanor specified in s. 943.051(3), and is committed to the  
939 custody of the Department of Juvenile Justice.

940 Section 18. Subsection (2), paragraph (a) of subsection



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941 (3), subsection (11), and paragraphs (a) and (c) of subsection  
942 (13) of section 943.053, Florida Statutes, are amended to read:

943 943.053 Dissemination of criminal justice information;  
944 fees.—

945 (2) Criminal justice information derived from federal  
946 criminal justice information systems or criminal justice  
947 information systems of other states shall not be disseminated in  
948 a manner inconsistent with the rules instituted by the National  
949 Crime Prevention and Privacy Compact, as approved and ratified  
950 in s. 943.0543, or with other applicable laws, regulations, or  
951 rules of the originating agency.

952 (3) (a) Criminal history information, including information  
953 relating to minors, compiled by the Criminal Justice Information  
954 Program from intrastate sources shall be available on a priority  
955 basis to criminal justice agencies for criminal justice purposes  
956 free of charge. After providing the program with all known  
957 personal identifying information, persons in the private sector  
958 and noncriminal justice agencies may be provided criminal  
959 history information upon tender of fees as established in this  
960 subsection and in the manner prescribed by rule of the  
961 Department of Law Enforcement. Any access to criminal history  
962 information by the private sector or noncriminal justice  
963 agencies as provided in this subsection shall be assessed  
964 without regard to the quantity or category of criminal history  
965 record information requested.

966 (11) A criminal justice agency that is authorized under  
967 federal rules or law to conduct a criminal history background  
968 check on an agency employee who is not certified by the Criminal  
969 Justice Standards and Training Commission under s. 943.12 may



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970 submit to the department the fingerprints of the noncertified  
971 employee to obtain state and national criminal history  
972 information. The fingerprints shall be retained and entered in  
973 the statewide automated biometric fingerprint identification  
974 system authorized by s. 943.05 and shall be available for all  
975 purposes and uses authorized for arrest fingerprint submissions  
976 entered in the statewide automated biometric fingerprint  
977 identification system pursuant to s. 943.051. The department  
978 shall search all arrest fingerprint submissions received  
979 pursuant to s. 943.051 against the fingerprints retained in the  
980 statewide automated biometric fingerprint identification system  
981 pursuant to this section. In addition to all purposes and uses  
982 authorized for arrest fingerprint submissions for which  
983 submitted fingerprints may be used, any arrest record that is  
984 identified with the retained employee fingerprints must be  
985 reported to the submitting employing agency.

986 (13) (a) For the department to accept an electronic  
987 fingerprint submission from:

988 1. A private vendor engaged in the business of providing  
989 electronic fingerprint submission; or

990 2. A private entity or public agency that submits the  
991 fingerprints of its own employees, volunteers, contractors,  
992 associates, or applicants for the purpose of conducting a  
993 required or permitted criminal history background check,

994  
995 the vendor, entity, or agency submitting the fingerprints must  
996 enter into an agreement with the department that, at a minimum,  
997 obligates the vendor, entity, or agency to comply with certain  
998 specified standards to ensure that all persons having direct or



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999 indirect responsibility for verifying identification, taking  
1000 fingerprints, identifying, and electronically submitting  
1001 fingerprints are qualified to do so and will ensure the  
1002 integrity and security of all personal information gathered from  
1003 the persons whose fingerprints are submitted.

1004 (c) The requirement for entering into an agreement with the  
1005 department for this purpose does not apply to criminal justice  
1006 agencies ~~as defined at s. 943.045(10)~~.

1007 Section 19. Paragraph (b) of subsection (1) of section  
1008 943.054, Florida Statutes, is amended to read:

1009 943.054 Exchange of federal criminal history records and  
1010 information.-

1011 (1) Criminal history information derived from any United  
1012 States Department of Justice criminal justice information system  
1013 is available:

1014 (b) Pursuant to applicable federal laws and regulations,  
1015 including those instituted by the National Crime Prevention and  
1016 Privacy Compact, for use in connection with licensing or local  
1017 or state employment or for such other uses only as authorized by  
1018 federal or state laws which have been approved by the United  
1019 States Attorney General or the Attorney General's designee. ~~When~~  
1020 ~~no active prosecution of the charge is known to be pending,~~  
1021 ~~arrest data more than 1 year old is not disseminated unless~~  
1022 ~~accompanied by information relating to the disposition of that~~  
1023 ~~arrest.~~

1024 Section 20. Paragraphs (b) and (c) of subsection (2) of  
1025 section 943.0542, Florida Statutes, are amended to read:

1026 943.0542 Access to criminal history information provided by  
1027 the department to qualified entities.-



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1028 (2)  
1029 (b) A qualified entity shall submit to the department a  
1030 request for screening an employee or volunteer or person  
1031 applying to be an employee or volunteer by submitting  
1032 fingerprints on a completed fingerprint card, or the request may  
1033 be submitted electronically. The qualified entity must maintain  
1034 a signed waiver allowing the release of the state and national  
1035 criminal history record information to the qualified entity.

1036 (c) Each such request must be accompanied by payment of a  
1037 fee for a statewide criminal history check by the department  
1038 established by s. 943.053, plus the amount currently prescribed  
1039 by the Federal Bureau of Investigation for the national criminal  
1040 history check in compliance with the National Child Protection  
1041 Act of 1993, as amended. Payments must be made in the manner  
1042 prescribed by the department by rule.

1043 Section 21. Subsection (2) of section 943.0544, Florida  
1044 Statutes, is amended to read:

1045 943.0544 Criminal justice information network and  
1046 information management.—

1047 (2) The department may develop, implement, maintain,  
1048 manage, and operate the Criminal Justice Network, which shall be  
1049 an intrastate network for agency ~~intraagency~~ information and  
1050 data sharing ~~data-sharing network~~ for use by the state's  
1051 criminal justice agencies. The department, in consultation with  
1052 the Criminal and Juvenile Justice Information Systems Council,  
1053 shall determine and regulate access to the Criminal Justice  
1054 Network by the state's criminal justice agencies.

1055 Section 22. Section 943.055, Florida Statutes, is amended  
1056 to read:



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1057 943.055 Records and audit.-

1058 (1) Criminal justice agencies disseminating criminal  
1059 justice information derived from a Department of Law Enforcement  
1060 criminal justice information system shall maintain a record of  
1061 dissemination in accordance with the user agreements in s.  
1062 943.0525 ~~rules adopted by the Department of Law Enforcement.~~

1063 (2) The Criminal Justice Information Program shall arrange  
1064 for any audits of state and local criminal justice and  
1065 noncriminal justice agencies necessary to ensure ~~assure~~  
1066 compliance with federal laws and regulations, this chapter, and  
1067 rules of the Department of Law Enforcement pertaining to the  
1068 establishment, operation, security, and maintenance of criminal  
1069 justice information systems.

1070 Section 23. Subsection (2) of section 943.056, Florida  
1071 Statutes, is amended to read:

1072 943.056 ~~Access to, review and challenge of,~~ Criminal  
1073 history records; access, review, and challenge.-

1074 (2) Criminal justice agencies subject to chapter 120 shall  
1075 be subject to hearings regarding those portions of criminal  
1076 history records for which the agency served as originator. When  
1077 it is determined what the record should contain in order to be  
1078 complete and accurate, the Criminal Justice Information Program  
1079 shall be advised and shall conform state ~~and federal~~ records to  
1080 the corrected criminal history record information and shall  
1081 request that the federal records be corrected.

1082 Section 24. Paragraphs (b) and (c) of subsection (3) and  
1083 subsections (5) and (6) of section 943.0582, Florida Statutes,  
1084 are amended to read:

1085 943.0582 Prearrest, postarrest, or teen court diversion



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1086 program expunction.-

1087 (3) The department shall expunge the nonjudicial arrest  
1088 record of a minor who has successfully completed a prearrest or  
1089 postarrest diversion program if that minor:

1090 (b) Submits the application for prearrest or postarrest  
1091 diversion expunction no later than 12 ~~6~~ months after completion  
1092 of the diversion program.

1093 (c) Submits to the department, with the application, an  
1094 official written statement from the state attorney for the  
1095 county in which the arrest occurred certifying that he or she  
1096 has successfully completed that county's prearrest or postarrest  
1097 diversion program, ~~and that his or her participation in the~~  
1098 ~~program was based on an arrest is strictly limited to minors~~  
1099 ~~arrested for a nonviolent misdemeanor, and that he or she has~~  
1100 ~~who have~~ not otherwise been charged with or found to have  
1101 committed any criminal offense or comparable ordinance  
1102 violation.

1103 ~~(5) This section operates retroactively to permit the~~  
1104 ~~expunction of any nonjudicial record of the arrest of a minor~~  
1105 ~~who has successfully completed a prearrest or postarrest~~  
1106 ~~diversion program on or after July 1, 2000; however, in the case~~  
1107 ~~of a minor whose completion of the program occurred before the~~  
1108 ~~effective date of this section, the application for prearrest or~~  
1109 ~~postarrest diversion expunction must be submitted within 6~~  
1110 ~~months after the effective date of this section.~~

1111 (5) ~~(6)~~ Expunction or sealing granted under this section  
1112 does not prevent the minor who receives such relief from  
1113 petitioning for the expunction or sealing of a later criminal  
1114 history record as provided for in ss. 943.0585 and 943.059, if



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1115 the minor is otherwise eligible under those sections.  
1116 Section 25. Paragraph (b) of subsection (1), paragraph (f)  
1117 of subsection (2), and paragraph (a) of subsection (4) of  
1118 section 943.0585, Florida Statutes, are amended to read:  
1119 943.0585 Court-ordered expunction of criminal history  
1120 records.—The courts of this state have jurisdiction over their  
1121 own procedures, including the maintenance, expunction, and  
1122 correction of judicial records containing criminal history  
1123 information to the extent such procedures are not inconsistent  
1124 with the conditions, responsibilities, and duties established by  
1125 this section. Any court of competent jurisdiction may order a  
1126 criminal justice agency to expunge the criminal history record  
1127 of a minor or an adult who complies with the requirements of  
1128 this section. The court shall not order a criminal justice  
1129 agency to expunge a criminal history record until the person  
1130 seeking to expunge a criminal history record has applied for and  
1131 received a certificate of eligibility for expunction pursuant to  
1132 subsection (2). A criminal history record that relates to a  
1133 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1134 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
1135 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
1136 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
1137 any violation specified as a predicate offense for registration  
1138 as a sexual predator pursuant to s. 775.21, without regard to  
1139 whether that offense alone is sufficient to require such  
1140 registration, or for registration as a sexual offender pursuant  
1141 to s. 943.0435, may not be expunged, without regard to whether  
1142 adjudication was withheld, if the defendant was found guilty of  
1143 or pled guilty or nolo contendere to the offense, or if the





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1144 defendant, as a minor, was found to have committed, or pled  
1145 guilty or nolo contendere to committing, the offense as a  
1146 delinquent act. The court may only order expunction of a  
1147 criminal history record pertaining to one arrest or one incident  
1148 of alleged criminal activity, except as provided in this  
1149 section. The court may, at its sole discretion, order the  
1150 expunction of a criminal history record pertaining to more than  
1151 one arrest if the additional arrests directly relate to the  
1152 original arrest. If the court intends to order the expunction of  
1153 records pertaining to such additional arrests, such intent must  
1154 be specified in the order. A criminal justice agency may not  
1155 expunge any record pertaining to such additional arrests if the  
1156 order to expunge does not articulate the intention of the court  
1157 to expunge a record pertaining to more than one arrest. This  
1158 section does not prevent the court from ordering the expunction  
1159 of only a portion of a criminal history record pertaining to one  
1160 arrest or one incident of alleged criminal activity.

1161 Notwithstanding any law to the contrary, a criminal justice  
1162 agency may comply with laws, court orders, and official requests  
1163 of other jurisdictions relating to expunction, correction, or  
1164 confidential handling of criminal history records or information  
1165 derived therefrom. This section does not confer any right to the  
1166 expunction of any criminal history record, and any request for  
1167 expunction of a criminal history record may be denied at the  
1168 sole discretion of the court.

1169 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each  
1170 petition to a court to expunge a criminal history record is  
1171 complete only when accompanied by:

1172 (b) The petitioner's sworn statement attesting that the



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1173 petitioner:

1174 1. Has never, prior to the date on which the petition is  
1175 filed, been adjudicated guilty of a criminal offense or  
1176 comparable ordinance violation, or been adjudicated delinquent  
1177 for committing any felony or a misdemeanor specified in s.  
1178 943.051(3)(b).

1179 2. Has not been adjudicated guilty of, or adjudicated  
1180 delinquent for committing, any of the acts stemming from the  
1181 arrest or alleged criminal activity to which the petition  
1182 pertains.

1183 3. Has never secured a prior sealing or expunction of a  
1184 criminal history record under this section, s. 943.059, former  
1185 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~  
1186 ~~jurisdiction outside the state~~, unless expunction is sought of a  
1187 criminal history record previously sealed for 10 years pursuant  
1188 to paragraph (2)(h) and the record is otherwise eligible for  
1189 expunction.

1190 4. Is eligible for such an expunction to the best of his or  
1191 her knowledge or belief and does not have any other petition to  
1192 expunge or any petition to seal pending before any court.

1193  
1194 Any person who knowingly provides false information on such  
1195 sworn statement to the court commits a felony of the third  
1196 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1197 775.084.

1198 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to  
1199 petitioning the court to expunge a criminal history record, a  
1200 person seeking to expunge a criminal history record shall apply  
1201 to the department for a certificate of eligibility for



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1202 expunction. The department shall, by rule adopted pursuant to  
1203 chapter 120, establish procedures pertaining to the application  
1204 for and issuance of certificates of eligibility for expunction.  
1205 A certificate of eligibility for expunction is valid for 12  
1206 months after the date stamped on the certificate when issued by  
1207 the department. After that time, the petitioner must reapply to  
1208 the department for a new certificate of eligibility. Eligibility  
1209 for a renewed certification of eligibility must be based on the  
1210 status of the applicant and the law in effect at the time of the  
1211 renewal application. The department shall issue a certificate of  
1212 eligibility for expunction to a person who is the subject of a  
1213 criminal history record if that person:

1214 (f) Has never secured a prior sealing or expunction of a  
1215 criminal history record under this section, s. 943.059, former  
1216 s. 893.14, former s. 901.33, or former s. 943.058, unless  
1217 expunction is sought of a criminal history record previously  
1218 sealed for 10 years pursuant to paragraph (h) and the record is  
1219 otherwise eligible for expunction.

1220 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
1221 criminal history record of a minor or an adult which is ordered  
1222 expunged by a court of competent jurisdiction pursuant to this  
1223 section must be physically destroyed or obliterated by any  
1224 criminal justice agency having custody of such record; except  
1225 that any criminal history record in the custody of the  
1226 department must be retained in all cases. A criminal history  
1227 record ordered expunged that is retained by the department is  
1228 confidential and exempt from the provisions of s. 119.07(1) and  
1229 s. 24(a), Art. I of the State Constitution and not available to  
1230 any person or entity except upon order of a court of competent



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1231 jurisdiction. A criminal justice agency may retain a notation  
1232 indicating compliance with an order to expunge.

1233 (a) The person who is the subject of a criminal history  
1234 record that is expunged under this section or under other  
1235 provisions of law, including former s. 893.14, former s. 901.33,  
1236 and former s. 943.058, may lawfully deny or fail to acknowledge  
1237 the arrests covered by the expunged record, except when the  
1238 subject of the record:

1239 1. Is a candidate for employment with a criminal justice  
1240 agency;

1241 2. Is a defendant in a criminal prosecution;

1242 3. Concurrently or subsequently petitions for relief under  
1243 this section or s. 943.059;

1244 4. Is a candidate for admission to The Florida Bar;

1245 5. Is seeking to be employed or licensed by or to contract  
1246 with the Department of Children and Families ~~Family Services~~,  
1247 the Division of Vocational Rehabilitation within the Department  
1248 of Education, the Agency for Health Care Administration, the  
1249 Agency for Persons with Disabilities, the Department of Health,  
1250 the Department of Elderly Affairs, or the Department of Juvenile  
1251 Justice or to be employed or used by such contractor or licensee  
1252 in a sensitive position having direct contact with children, the  
1253 disabled, or the elderly; or

1254 6. Is seeking to be employed or licensed by the Department  
1255 of Education, any district school board, any university  
1256 laboratory school, any charter school, any private or parochial  
1257 school, or any local governmental entity that licenses child  
1258 care facilities; ~~or~~

1259 ~~7. Is seeking authorization from a seaport listed in s.~~



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1260 ~~311.09 for employment within or access to one or more of such~~  
1261 ~~seaports pursuant to s. 311.12.~~

1262 Section 26. Paragraph (b) of subsection (1), paragraph (e)  
1263 of subsection (2), and paragraph (a) of subsection (4) of  
1264 section 943.059, Florida Statutes, are amended to read:

1265 943.059 Court-ordered sealing of criminal history records.—  
1266 The courts of this state shall continue to have jurisdiction  
1267 over their own procedures, including the maintenance, sealing,  
1268 and correction of judicial records containing criminal history  
1269 information to the extent such procedures are not inconsistent  
1270 with the conditions, responsibilities, and duties established by  
1271 this section. Any court of competent jurisdiction may order a  
1272 criminal justice agency to seal the criminal history record of a  
1273 minor or an adult who complies with the requirements of this  
1274 section. The court shall not order a criminal justice agency to  
1275 seal a criminal history record until the person seeking to seal  
1276 a criminal history record has applied for and received a  
1277 certificate of eligibility for sealing pursuant to subsection  
1278 (2). A criminal history record that relates to a violation of s.  
1279 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
1280 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
1281 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
1282 916.1075, a violation enumerated in s. 907.041, or any violation  
1283 specified as a predicate offense for registration as a sexual  
1284 predator pursuant to s. 775.21, without regard to whether that  
1285 offense alone is sufficient to require such registration, or for  
1286 registration as a sexual offender pursuant to s. 943.0435, may  
1287 not be sealed, without regard to whether adjudication was  
1288 withheld, if the defendant was found guilty of or pled guilty or



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1289 nolo contendere to the offense, or if the defendant, as a minor,  
1290 was found to have committed or pled guilty or nolo contendere to  
1291 committing the offense as a delinquent act. The court may only  
1292 order sealing of a criminal history record pertaining to one  
1293 arrest or one incident of alleged criminal activity, except as  
1294 provided in this section. The court may, at its sole discretion,  
1295 order the sealing of a criminal history record pertaining to  
1296 more than one arrest if the additional arrests directly relate  
1297 to the original arrest. If the court intends to order the  
1298 sealing of records pertaining to such additional arrests, such  
1299 intent must be specified in the order. A criminal justice agency  
1300 may not seal any record pertaining to such additional arrests if  
1301 the order to seal does not articulate the intention of the court  
1302 to seal records pertaining to more than one arrest. This section  
1303 does not prevent the court from ordering the sealing of only a  
1304 portion of a criminal history record pertaining to one arrest or  
1305 one incident of alleged criminal activity. Notwithstanding any  
1306 law to the contrary, a criminal justice agency may comply with  
1307 laws, court orders, and official requests of other jurisdictions  
1308 relating to sealing, correction, or confidential handling of  
1309 criminal history records or information derived therefrom. This  
1310 section does not confer any right to the sealing of any criminal  
1311 history record, and any request for sealing a criminal history  
1312 record may be denied at the sole discretion of the court.

1313 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each  
1314 petition to a court to seal a criminal history record is  
1315 complete only when accompanied by:

1316 (b) The petitioner's sworn statement attesting that the  
1317 petitioner:



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1318           1. Has never, prior to the date on which the petition is  
1319 filed, been adjudicated guilty of a criminal offense or  
1320 comparable ordinance violation, or been adjudicated delinquent  
1321 for committing any felony or a misdemeanor specified in s.  
1322 943.051(3)(b).

1323           2. Has not been adjudicated guilty of or adjudicated  
1324 delinquent for committing any of the acts stemming from the  
1325 arrest or alleged criminal activity to which the petition to  
1326 seal pertains.

1327           3. Has never secured a prior sealing or expunction of a  
1328 criminal history record under this section, s. 943.0585, former  
1329 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~  
1330 ~~jurisdiction outside the state.~~

1331           4. Is eligible for such a sealing to the best of his or her  
1332 knowledge or belief and does not have any other petition to seal  
1333 or any petition to expunge pending before any court.

1334  
1335 Any person who knowingly provides false information on such  
1336 sworn statement to the court commits a felony of the third  
1337 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1338 775.084.

1339           (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to  
1340 petitioning the court to seal a criminal history record, a  
1341 person seeking to seal a criminal history record shall apply to  
1342 the department for a certificate of eligibility for sealing. The  
1343 department shall, by rule adopted pursuant to chapter 120,  
1344 establish procedures pertaining to the application for and  
1345 issuance of certificates of eligibility for sealing. A  
1346 certificate of eligibility for sealing is valid for 12 months



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1347 after the date stamped on the certificate when issued by the  
1348 department. After that time, the petitioner must reapply to the  
1349 department for a new certificate of eligibility. Eligibility for  
1350 a renewed certification of eligibility must be based on the  
1351 status of the applicant and the law in effect at the time of the  
1352 renewal application. The department shall issue a certificate of  
1353 eligibility for sealing to a person who is the subject of a  
1354 criminal history record provided that such person:

1355 (e) Has never secured a prior sealing or expunction of a  
1356 criminal history record under this section, s. 943.0585, former  
1357 s. 893.14, former s. 901.33, or former s. 943.058.

1358 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
1359 history record of a minor or an adult which is ordered sealed by  
1360 a court of competent jurisdiction pursuant to this section is  
1361 confidential and exempt from the provisions of s. 119.07(1) and  
1362 s. 24(a), Art. I of the State Constitution and is available only  
1363 to the person who is the subject of the record, to the subject's  
1364 attorney, to criminal justice agencies for their respective  
1365 criminal justice purposes, which include conducting a criminal  
1366 history background check for approval of firearms purchases or  
1367 transfers as authorized by state or federal law, to judges in  
1368 the state courts system for the purpose of assisting them in  
1369 their case-related decisionmaking responsibilities, as set forth  
1370 in s. 943.053(5), or to those entities set forth in  
1371 subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
1372 licensing, access authorization, and employment purposes.

1373 (a) The subject of a criminal history record sealed under  
1374 this section or under other provisions of law, including former  
1375 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully





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1376 deny or fail to acknowledge the arrests covered by the sealed  
1377 record, except when the subject of the record:  
1378 1. Is a candidate for employment with a criminal justice  
1379 agency;  
1380 2. Is a defendant in a criminal prosecution;  
1381 3. Concurrently or subsequently petitions for relief under  
1382 this section or s. 943.0585;  
1383 4. Is a candidate for admission to The Florida Bar;  
1384 5. Is seeking to be employed or licensed by or to contract  
1385 with the Department of Children and Families ~~Family Services~~,  
1386 the Division of Vocational Rehabilitation within the Department  
1387 of Education, the Agency for Health Care Administration, the  
1388 Agency for Persons with Disabilities, the Department of Health,  
1389 the Department of Elderly Affairs, or the Department of Juvenile  
1390 Justice or to be employed or used by such contractor or licensee  
1391 in a sensitive position having direct contact with children, the  
1392 disabled, or the elderly;  
1393 6. Is seeking to be employed or licensed by the Department  
1394 of Education, any district school board, any university  
1395 laboratory school, any charter school, any private or parochial  
1396 school, or any local governmental entity that licenses child  
1397 care facilities; or  
1398 7. Is attempting to purchase a firearm from a licensed  
1399 importer, licensed manufacturer, or licensed dealer and is  
1400 subject to a criminal history check under state or federal law;  
1401 ~~or~~  
1402 ~~8. Is seeking authorization from a Florida seaport~~  
1403 ~~identified in s. 311.09 for employment within or access to one~~  
1404 ~~or more of such seaports pursuant to s. 311.12.~~



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1405 Section 27. Section 943.125, Florida Statutes, is amended  
1406 to read:

1407 943.125 Accreditation of state and local law enforcement  
1408 agencies, correctional facilities, public agency offices of  
1409 inspectors general, and certain pretrial diversion programs ~~Law~~  
1410 ~~enforcement agency accreditation; intent.-~~

1411 (1) It is the intent of the Legislature that law  
1412 enforcement agencies, correctional facilities, public agency  
1413 offices of inspectors general, and those agencies offering  
1414 pretrial diversion programs within offices of the state  
1415 attorneys, county government, or sheriff's offices in the state  
1416 be upgraded and strengthened through the adoption of meaningful  
1417 standards of operation for those agencies and their functions.

1418 (2) It is the further intent of the Legislature that these  
1419 ~~law enforcement~~ agencies voluntarily adopt standards designed to  
1420 promote enhanced professionalism:

1421 (a) For equal and fair law enforcement, to maximize the  
1422 capability of law enforcement agencies to enforce the law and  
1423 prevent and control criminal activities, ~~and to increase~~  
1424 ~~interagency cooperation throughout the state.~~

1425 (b) For correctional facilities, to maintain best practices  
1426 for the care, custody, and control of inmates.

1427 (c) Within public agency offices of inspector general, to  
1428 promote more effective scrutiny of public agency operations and  
1429 greater accountability of those serving in those agencies.

1430 (d) In the operation and management of pretrial diversion  
1431 programs offered by and through the state attorney's offices,  
1432 county government, or sheriff's offices.

1433 (3) ~~It is further the intent of~~ The Legislature also



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1434 intends to encourage the continuation of a voluntary state  
1435 accreditation program to facilitate the enhanced professionalism  
1436 identified in subsection (2) Florida Sheriffs Association and  
1437 the Florida Police Chiefs Association to develop, either jointly  
1438 or separately, a law enforcement agency accreditation program.  
1439 Other than the staff support by the department as authorized in  
1440 subsection (5), the accreditation program must be independent of  
1441 any law enforcement agency, the Department of Corrections, the  
1442 Florida Sheriffs Association, or the Florida Police Chiefs  
1443 Association.

1444 (4) The law enforcement accreditation program must address,  
1445 at a minimum, the following aspects of law enforcement:

- 1446 (a) Vehicle pursuits.
- 1447 (b) Seizure and forfeiture of contraband articles.
- 1448 (c) Recording and processing citizens' complaints.
- 1449 (d) Use of force.
- 1450 (e) Traffic stops.
- 1451 (f) Handling natural and manmade disasters.
- 1452 (g) Special operations.
- 1453 (h) Prisoner transfer.
- 1454 (i) Collection and preservation of evidence.
- 1455 (j) Recruitment and selection.
- 1456 (k) Officer training.
- 1457 (l) Performance evaluations.
- 1458 (m) Law enforcement disciplinary procedures and rights.
- 1459 (n) Use of criminal investigative funds.

1460 (5) Subject to available funding, the department shall  
1461 employ and assign adequate support staff to the Commission for  
1462 Florida Law Enforcement Accreditation, Inc., and the Florida



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1463 Corrections Accreditation Commission, Inc., in support of the  
1464 accreditation programs established in this section.

1465 (6) Accreditation standards related to law enforcement and  
1466 inspectors general used by the accreditation programs  
1467 established in this section shall be determined by the  
1468 Commission for Florida Law Enforcement Accreditation, Inc.  
1469 Accreditation standards related to corrections functions and  
1470 pretrial diversion programs shall be determined by the Florida  
1471 Corrections Accreditation Commission, Inc.

1472 Section 28. Subsection (5) of section 943.13, Florida  
1473 Statutes, is amended to read:

1474 943.13 Officers' minimum qualifications for employment or  
1475 appointment.—On or after October 1, 1984, any person employed or  
1476 appointed as a full-time, part-time, or auxiliary law  
1477 enforcement officer or correctional officer; on or after October  
1478 1, 1986, any person employed as a full-time, part-time, or  
1479 auxiliary correctional probation officer; and on or after  
1480 October 1, 1986, any person employed as a full-time, part-time,  
1481 or auxiliary correctional officer by a private entity under  
1482 contract to the Department of Corrections, to a county  
1483 commission, or to the Department of Management Services shall:

1484 (5) Have documentation of his or her processed fingerprints  
1485 on file with the employing agency or, if a private correctional  
1486 officer, have documentation of his or her processed fingerprints  
1487 on file with the Department of Corrections or the Criminal  
1488 Justice Standards and Training Commission. ~~If administrative~~  
1489 ~~delays are caused by the department or the Federal Bureau of~~  
1490 ~~Investigation and the person has complied with subsections (1)-~~  
1491 ~~(4) and (6)-(9), he or she may be employed or appointed for a~~



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1492 ~~period not to exceed 1 calendar year from the date he or she was~~  
1493 ~~employed or appointed or until return of the processed~~  
1494 ~~fingerprints documenting noncompliance with subsections (1) (4)~~  
1495 ~~or subsection (7), whichever occurs first. Beginning January 15,~~  
1496 ~~2007,~~ The department shall retain and enter into the statewide  
1497 automated biometric fingerprint identification system authorized  
1498 by s. 943.05 all fingerprints submitted to the department as  
1499 required by this section. Thereafter, the fingerprints shall be  
1500 available for all purposes and uses authorized for arrest  
1501 fingerprints ~~fingerprint cards~~ entered in the statewide  
1502 automated biometric fingerprint identification system pursuant  
1503 to s. 943.051. The department shall search all arrest  
1504 fingerprints ~~fingerprint cards~~ received pursuant to s. 943.051  
1505 against the fingerprints retained in the statewide automated  
1506 biometric fingerprint identification system pursuant to this  
1507 section and report to the employing agency any arrest records  
1508 that are identified with the retained employee's fingerprints.  
1509 ~~By January 1, 2008, a person who must meet minimum~~  
1510 ~~qualifications as provided in this section and whose~~  
1511 ~~fingerprints are not retained by the department pursuant to this~~  
1512 ~~section must be refingerprinted.~~ These fingerprints must be  
1513 forwarded to the department for processing and retention.

1514 Section 29. Subsection (1) of section 943.132, Florida  
1515 Statutes, is amended to read:

1516 943.132 Implementation of federal qualified active or  
1517 qualified retired law enforcement concealed firearms provisions  
1518 ~~Law Enforcement Officers Safety Act of 2004.~~—

1519 (1) The commission shall by rule establish the manner in  
1520 which Title 18, 44 U.S.C. ss. 926B and 926C, ~~the federal Law~~



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1521 ~~Enforcement Officers Safety Act of 2004~~, relating to the  
1522 carrying of concealed firearms by qualified law enforcement  
1523 officers and qualified retired law enforcement officers, as  
1524 defined in the act, shall be implemented in the state. In order  
1525 to facilitate the implementation within the state of Title 18,  
1526 44 U.S.C. ss. 926B and 926C, the commission shall ~~develop and~~  
1527 authorize a uniform firearms proficiency verification card to be  
1528 issued to persons who achieve a passing score on the firing  
1529 range testing component as used ~~utilized~~ in the minimum firearms  
1530 proficiency course applicable to active law enforcement  
1531 officers, indicating the person's name and the date upon which  
1532 he or she achieved the passing score. Each such card shall be  
1533 issued only by firearms instructors with current certifications  
1534 from ~~certified by~~ the commission.

1535 Section 30. Paragraph (a) of subsection (6) of section  
1536 943.1395, Florida Statutes, is amended to read:

1537 943.1395 Certification for employment or appointment;  
1538 concurrent certification; reemployment or reappointment;  
1539 inactive status; revocation; suspension; investigation.-

1540 (6) The commission shall revoke the certification of any  
1541 officer who is not in compliance with the provisions of s.  
1542 943.13(4) or who intentionally executes a false affidavit  
1543 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

1544 (a) The commission shall cause to be investigated any  
1545 ground for revocation from the employing agency pursuant to s.  
1546 943.139 or from the Governor, and the commission may cause  
1547 ~~investigate~~ verifiable complaints to be investigated. Any  
1548 investigation initiated by the commission pursuant to this  
1549 section must be completed within 6 months after receipt of the



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1550 completed report of the disciplinary or internal affairs  
1551 investigation from the employing agency or Governor's office. A  
1552 verifiable complaint shall be completed within 1 year after  
1553 receipt of the complaint. An investigation shall be considered  
1554 completed upon a finding by a probable cause panel of the  
1555 commission. These time periods shall be tolled during the appeal  
1556 of a termination or other disciplinary action through the  
1557 administrative or judicial process or during the period of any  
1558 criminal prosecution of the officer.

1559 Section 31. Subsection (2), paragraph (a) of subsection  
1560 (3), and subsection (6) of section 943.1755, Florida Statutes,  
1561 are amended to read:

1562 943.1755 Florida Criminal Justice Executive Institute.—

1563 (2) The institute is established within the Department of  
1564 Law Enforcement and affiliated with the State University System.  
1565 The Board of Governors of the State University System shall, in  
1566 cooperation with the Department of Law Enforcement, determine  
1567 the specific placement of the institute within the system. The  
1568 Department of Law Enforcement maintains responsibility for  
1569 delivering and facilitating all Florida Criminal Justice  
1570 Executive Institute training.

1571 (3) The institute shall cooperate with the Criminal Justice  
1572 Standards and Training Commission, and shall be guided and  
1573 directed by a policy board composed of the following members:

1574 (a) The following persons shall serve on the policy board:

- 1575 1. The executive director of the Department of Law  
1576 Enforcement or a designee.
- 1577 2. The Secretary of Corrections or a designee.
- 1578 3. The Commissioner of Education or a designee ~~an employee~~



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1579 ~~of the Department of Education designated by the Commissioner.~~

1580 4. The Secretary of Juvenile Justice or a designee.

1581 (6) Seven ~~Six~~ members constitute a quorum of the board.

1582 Section 32. Subsection (2) of section 943.1757, Florida  
1583 Statutes, is amended to read:

1584 943.1757 Criminal justice executives; training; policy  
1585 report.—

1586 (2) The policy board of the Criminal Justice Executive  
1587 Institute shall identify the needs of criminal justice  
1588 executives regarding issues related to diverse populations, and  
1589 ensure that such needs are met through appropriate training.  
1590 ~~Beginning January 1, 1995, and every 5 years thereafter, the~~  
1591 ~~policy board shall provide to the appropriate substantive~~  
1592 ~~committees of each house a report describing executive training~~  
1593 ~~needs. In addition,~~ The policy board shall prepare a biennial  
1594 report to the appropriate substantive committees of each house  
1595 describing how these needs are being met through training by the  
1596 Criminal Justice Executive Institute.

1597 Section 33. Paragraph (a) of subsection (4) and subsection  
1598 (9) of section 943.25, Florida Statutes, are amended to read:

1599 943.25 Criminal justice trust funds; source of funds; use  
1600 of funds.—

1601 (4) The commission shall authorize the establishment of  
1602 regional training councils to advise and assist the commission  
1603 in developing and maintaining a plan assessing regional criminal  
1604 justice training needs and to act as an extension of the  
1605 commission in the planning, programming, and budgeting for  
1606 expenditures of the moneys in the Criminal Justice Standards and  
1607 Training Trust Fund.





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1608 (a) The commission may ~~shall~~ annually forward to each  
1609 regional training council a list of its specific recommended  
1610 priority issues or items to be funded. Each regional training  
1611 council shall consider the recommendations of the commission in  
1612 relation to the needs of the region and either include the  
1613 recommendations in the region's budget plan or satisfactorily  
1614 justify their exclusion.

1615 (9) Up to \$250,000 per annum from the Criminal Justice  
1616 Standards and Training Trust Fund may be used to develop,  
1617 validate, update, and maintain test or assessment instruments,  
1618 including computer-based testing, relating to selection,  
1619 employment, training, or evaluation of officers, instructors, or  
1620 courses. Pursuant to s. 943.12(4), (5), and (8), the commission  
1621 shall adopt those test or assessment instruments which are  
1622 appropriate and job-related as minimum requirements.

1623 Section 34. Subsection (14) of section 943.325, Florida  
1624 Statutes, is amended to read:

1625 943.325 DNA database.—

1626 (14) RESULTS.—The results of a DNA analysis and the  
1627 comparison of analytic results shall be released only to  
1628 criminal justice agencies as defined in s. 943.045 ~~943.045(10)~~,  
1629 at the request of the agency. Otherwise, such information is  
1630 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
1631 s. 24(a), Art. I of the State Constitution.

1632 Section 35. Section 943.33, Florida Statutes, is amended to  
1633 read:

1634 943.33 State-operated criminal analysis laboratories.—

1635 (1) The state-operated laboratories shall furnish  
1636 laboratory service upon request to law enforcement officials in



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1637 the state. The testing services of such laboratories by persons  
1638 employed by or acting on behalf of the department shall also be  
1639 available to any defendant in a criminal case upon showing of  
1640 good cause and upon order of the court with jurisdiction in the  
1641 case. When such service is to be made available to the  
1642 defendant, the order shall be issued only after motion by the  
1643 defendant and hearing held after notice with a copy of the  
1644 motion being served upon the prosecutor and the state-operated  
1645 laboratory from which the service is being sought.

1646 (2) For purposes of this section, "good cause" means a  
1647 finding by the court that the laboratory testing service being  
1648 sought by the defendant is anticipated to produce evidence that  
1649 is relevant and material to the defense; and that the service  
1650 sought is one which is reasonably within the capacity of the  
1651 state-operated laboratory, and will not be unduly burdensome  
1652 upon the laboratory, will not impede normal daily laboratory  
1653 operations, will not negatively impact laboratory certifications  
1654 or equipment calibration, and does not violate the laboratory's  
1655 national certification or accreditation standards; and that the  
1656 service cannot be obtained from any qualified private or  
1657 nonstate operated laboratory within the state or otherwise  
1658 reasonably available to the defense.

1659 (3) This section does not authorize the presence of defense  
1660 experts or others representing the defense inside a state-  
1661 operated laboratory facility where actual testing or analysis is  
1662 occurring and does not authorize the use of state-operated  
1663 laboratory equipment or facilities by defense experts or other  
1664 persons not employed by or acting on the behalf of the  
1665 department.



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1666           (4) The court shall assess the costs of all testing,  
1667 equipment operation, and personnel and any other costs directly  
1668 attributable to the court-ordered testing ~~such service ordered~~  
1669 by the court to the defendant or the defendant's counsel,  
1670 whether public, private, or pro bono, who obtained the testing  
1671 order ~~local public defender's office~~. The laboratory providing  
1672 the service ordered shall include with the report of the  
1673 analysis, comparison, or identification a statement of the costs  
1674 of the service provided and shall provide a copy of all reports  
1675 and analysis performed and cost statement being provided to the  
1676 prosecutor in the case and the court.

1677           Section 36. Subsection (9) of section 943.68, Florida  
1678 Statutes, is amended to read:

1679           943.68 Transportation and protective services.—

1680           (9) The department shall submit a report each August July  
1681 15 to the Governor, the Legislature, and the Cabinet, detailing  
1682 all transportation and protective services provided under  
1683 subsections (1), (5), and (6) within the preceding fiscal year.  
1684 Each report shall include a detailed accounting of the cost of  
1685 such transportation and protective services, including the names  
1686 of persons provided such services and the nature of state  
1687 business performed.

1688           Section 37. Subsection (3) of section 285.18, Florida  
1689 Statutes, is amended to read:

1690           285.18 Tribal council as governing body; powers and  
1691 duties.—

1692           (3) The law enforcement agencies of the Seminole Tribe of  
1693 Florida and the Miccosukee Tribe of Indians of Florida shall  
1694 have the authority of "criminal justice agencies" as defined in



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1695 s. 945.045(11)(e) ~~943.045(10)(e)~~ and shall have the specific  
1696 authority to negotiate agreements with the ~~Florida~~ Department of  
1697 Law Enforcement, the United States Department of Justice, and  
1698 other federal law enforcement agencies for access to criminal  
1699 history records for the purpose of conducting ongoing criminal  
1700 investigations and for the following governmental purposes:

1701 (a) Background investigations, which are required for  
1702 employment by a tribal education program, tribal Head Start  
1703 program, or tribal day care program as may be required by state  
1704 or federal law.

1705 (b) Background investigations, which are required for  
1706 employment by tribal law enforcement agencies.

1707 (c) Background investigations, which are required for  
1708 employment by a tribal government.

1709 (d) Background investigations with respect to all  
1710 employees, primary management officials, and all persons having  
1711 a financial interest in a class II Indian tribal gaming  
1712 enterprise to ensure eligibility as provided in the Indian  
1713 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et al.

1714  
1715 With regard to those investigations authorized in paragraphs  
1716 (a), (c), and (d), each such individual shall file a complete  
1717 set of his or her fingerprints that have been taken by an  
1718 authorized law enforcement officer, which set of fingerprints  
1719 shall be submitted to the Department of Law Enforcement for  
1720 state processing and to the Federal Bureau of Investigation for  
1721 federal processing. The cost of processing shall be borne by the  
1722 applicant.

1723 Section 38. Paragraph (b) of subsection (2) of section



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1724 414.40, Florida Statutes, is amended to read:

1725 414.40 Stop Inmate Fraud Program established; guidelines.-

1726 (2) The Department of Financial Services is directed to  
1727 implement the Stop Inmate Fraud Program in accordance with the  
1728 following guidelines:

1729 (b) Pursuant to these procedures, the program shall have  
1730 access to records containing correctional information not exempt  
1731 from the public records law on incarcerated persons which have  
1732 been generated as criminal justice information. As used in this  
1733 paragraph, the terms ~~term~~ "record" ~~is defined as provided in s.~~  
1734 ~~943.045(7)~~, and ~~the term~~ "criminal justice information" have the  
1735 same meanings ~~is defined~~ as provided in s. 943.045 ~~943.045(3)~~.

1736 Section 39. Section 447.045, Florida Statutes, is amended  
1737 to read:

1738 447.045 Information confidential.-Neither the department  
1739 nor any investigator or employee of the department shall divulge  
1740 in any manner the information obtained pursuant to the  
1741 processing of applicant fingerprints ~~fingerprint cards~~, and such  
1742 information is confidential and exempt from ~~the provisions of~~ s.  
1743 119.07(1).

1744 Section 40. Subsection (10) of section 455.213, Florida  
1745 Statutes, is amended to read:

1746 455.213 General licensing provisions.-

1747 (10) For any profession requiring fingerprints as part of  
1748 the registration, certification, or licensure process or for any  
1749 profession requiring a criminal history record check to  
1750 determine good moral character, ~~a fingerprint card containing~~  
1751 the fingerprints of the applicant must accompany all  
1752 applications for registration, certification, or licensure. The



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1753 fingerprints ~~fingerpr~~ card shall be forwarded to the Division  
1754 of Criminal Justice Information Systems within the Department of  
1755 Law Enforcement for ~~purposes of processing the fingerprint card~~  
1756 to determine whether ~~if~~ the applicant has a criminal history  
1757 record. The fingerprints ~~fingerpr~~ card shall also be  
1758 forwarded to the Federal Bureau of Investigation ~~for purposes of~~  
1759 ~~processing the fingerprint card~~ to determine whether ~~if~~ the  
1760 applicant has a criminal history record. The information  
1761 obtained by the processing of the fingerprints ~~fingerpr~~ card  
1762 by the Florida Department of Law Enforcement and the Federal  
1763 Bureau of Investigation shall be sent to the department to  
1764 determine whether ~~for the purpose of determining if~~ the  
1765 applicant is statutorily qualified for registration,  
1766 certification, or licensure.

1767 Section 41. Paragraph (d) of subsection (2) of section  
1768 468.453, Florida Statutes, is amended to read:

1769 468.453 Licensure required; qualifications; license  
1770 nontransferable; service of process; temporary license; license  
1771 or application from another state.-

1772 (2) A person shall be licensed as an athlete agent if the  
1773 applicant:

1774 (d) Has submitted to the department fingerprints a  
1775 ~~fingerpr~~ card for a criminal history records check. The  
1776 fingerprints ~~fingerpr~~ card shall be forwarded to the Division  
1777 of Criminal Justice Information Systems within the Department of  
1778 Law Enforcement for ~~purposes of processing the fingerprint card~~  
1779 to determine whether ~~if~~ the applicant has a criminal history  
1780 record. The fingerprints ~~fingerpr~~ card shall also be  
1781 forwarded to the Federal Bureau of Investigation ~~for purposes of~~



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1782 ~~processing the fingerprint card~~ to determine whether ~~if~~ the  
1783 applicant has a criminal history record. The information  
1784 obtained by the processing of the fingerprints ~~fingerprint card~~  
1785 by the ~~Florida~~ Department of Law Enforcement and the Federal  
1786 Bureau of Investigation shall be sent to the department to  
1787 determine whether ~~for the purpose of determining if~~ the  
1788 applicant is statutorily qualified for licensure.

1789 Section 42. Subsection (3) of section 475.615, Florida  
1790 Statutes, is amended to read:

1791 475.615 Qualifications for registration or certification.-

1792 (3) Appropriate fees, as set forth in the rules of the  
1793 board pursuant to s. 475.6147, and a set of fingerprints  
1794 ~~fingerprint card~~ must accompany all applications for  
1795 registration or certification. The fingerprints ~~fingerprint card~~  
1796 shall be forwarded to the Division of Criminal Justice  
1797 Information Systems within the Department of Law Enforcement for  
1798 ~~purposes of processing the fingerprint card~~ to determine whether  
1799 ~~if~~ the applicant has a criminal history record. The fingerprints  
1800 ~~fingerprint card~~ shall also be forwarded to the Federal Bureau  
1801 of Investigation ~~for purposes of processing the fingerprint card~~  
1802 to determine whether ~~if~~ the applicant has a criminal history  
1803 record. The information obtained by the processing of the  
1804 fingerprints ~~fingerprint card~~ by the Department of Law  
1805 Enforcement and the Federal Bureau of Investigation shall be  
1806 sent to the department to determine whether ~~for the purpose of~~  
1807 ~~determining if~~ the applicant is statutorily qualified for  
1808 registration or certification. ~~Effective July 1, 2006, an~~  
1809 ~~applicant must provide fingerprints in electronic format.~~

1810 Section 43. Paragraph (j) of subsection (3) of section



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1811 493.6105, Florida Statutes, is amended to read:

1812 493.6105 Initial application for license.—

1813 (3) The application must contain the following information  
1814 concerning the individual signing the application:

1815 (j) A full set of fingerprints ~~on a card provided by the~~  
1816 ~~department~~ and a fingerprint fee to be established by rule of  
1817 the department based upon costs determined by state and federal  
1818 agency charges and department processing costs. An applicant who  
1819 has, within the immediately preceding 6 months, submitted such  
1820 fingerprints ~~a fingerprint card~~ and fee for licensing purposes  
1821 under this chapter is not required to submit another set of  
1822 fingerprints ~~fingerprint card~~ or fee.

1823 Section 44. Paragraph (a) of subsection (1) of section  
1824 493.6108, Florida Statutes, is amended to read:

1825 493.6108 Investigation of applicants by Department of  
1826 Agriculture and Consumer Services.—

1827 (1) Except as otherwise provided, the department must  
1828 investigate an applicant for a license under this chapter before  
1829 it may issue the license. The investigation must include:

1830 (a)1. An examination of fingerprint records and police  
1831 records. If a criminal history record check of any applicant  
1832 under this chapter is performed by means of fingerprint ~~card~~  
1833 identification, the time limitations prescribed by s. 120.60(1)  
1834 shall be tolled during the time the applicant's fingerprints are  
1835 ~~fingerprint card is~~ under review by the Department of Law  
1836 Enforcement or the United States Department of Justice, Federal  
1837 Bureau of Investigation.

1838 2. If a legible set of fingerprints, as determined by the  
1839 Department of Law Enforcement or the Federal Bureau of





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1840 Investigation, cannot be obtained after two attempts, the  
1841 Department of Agriculture and Consumer Services may determine  
1842 the applicant's eligibility based upon a criminal history record  
1843 check under the applicant's name conducted by the Department of  
1844 Law Enforcement if the fingerprints are taken by a law  
1845 enforcement agency or the department and the applicant submits a  
1846 written statement signed by the fingerprint technician or a  
1847 licensed physician stating that there is a physical condition  
1848 that precludes obtaining a legible set of fingerprints or that  
1849 the fingerprints taken are the best that can be obtained.

1850 Section 45. Paragraph (f) of subsection (2) of section  
1851 494.00312, Florida Statutes, is amended to read:

1852 494.00312 Loan originator license.—

1853 (2) In order to apply for a loan originator license, an  
1854 applicant must:

1855 (f) Submit fingerprints in accordance with rules adopted by  
1856 the commission:

1857 1. The fingerprints may be submitted to the registry, the  
1858 office, or a vendor acting on behalf of the registry or the  
1859 office.

1860 2. The office may contract with a third-party vendor to  
1861 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~  
1862 ~~card.~~

1863 3. A state criminal history background check must be  
1864 conducted through the Department of Law Enforcement, and a  
1865 federal criminal history background check must be conducted  
1866 through the Federal Bureau of Investigation.

1867 4. All fingerprints submitted to the Department of Law  
1868 Enforcement must be submitted electronically and entered into



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1869 the statewide automated biometric fingerprint identification  
1870 system established in s. 943.05(2) (b) and available for use in  
1871 accordance with s. 943.05(2) (g) and (h). The office shall pay an  
1872 annual fee to the department to participate in the system and  
1873 inform the department of any person whose fingerprints are no  
1874 longer required to be retained.

1875 5. The costs of fingerprint processing, including the cost  
1876 of retaining the fingerprints, shall be borne by the person  
1877 subject to the background check.

1878 6. The office is responsible for reviewing the results of  
1879 the state and federal criminal history checks and determining  
1880 whether the applicant meets licensure requirements.

1881 Section 46. Paragraph (d) of subsection (2) of section  
1882 494.00321, Florida Statutes, is amended to read:

1883 494.00321 Mortgage broker license.—

1884 (2) In order to apply for a mortgage broker license, an  
1885 applicant must:

1886 (d) Submit fingerprints for each of the applicant's control  
1887 persons in accordance with rules adopted by the commission:

1888 1. The fingerprints may be submitted to the registry, the  
1889 office, or a vendor acting on behalf of the registry or the  
1890 office.

1891 2. The office may contract with a third-party vendor to  
1892 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~  
1893 ~~card.~~

1894 3. A state criminal history background check must be  
1895 conducted through the Department of Law Enforcement, and a  
1896 federal criminal history background check must be conducted  
1897 through the Federal Bureau of Investigation.



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1898           4. All fingerprints submitted to the Department of Law  
1899 Enforcement must be submitted electronically and entered into  
1900 the statewide automated biometric ~~fingerprint~~ identification  
1901 system established in s. 943.05(2)(b) and available for use in  
1902 accordance with s. 943.05(2)(g) and (h). The office shall pay an  
1903 annual fee to the department to participate in the system and  
1904 inform the department of any person whose fingerprints are no  
1905 longer required to be retained.

1906           5. The costs of fingerprint processing, including the cost  
1907 of retaining the fingerprints, shall be borne by the person  
1908 subject to the background check.

1909           6. The office is responsible for reviewing the results of  
1910 the state and federal criminal history checks and determining  
1911 whether the applicant meets licensure requirements.

1912           Section 47. Paragraph (d) of subsection (2) of section  
1913 494.00611, Florida Statutes, is amended to read:

1914           494.00611 Mortgage lender license.—

1915           (2) In order to apply for a mortgage lender license, an  
1916 applicant must:

1917           (d) Submit fingerprints for each of the applicant's control  
1918 persons in accordance with rules adopted by the commission:

1919           1. The fingerprints may be submitted to the registry, the  
1920 office, or a vendor acting on behalf of the registry or the  
1921 office.

1922           2. The office may contract with a third-party vendor to  
1923 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~  
1924 ~~card.~~

1925           3. A state criminal history background check must be  
1926 conducted through the Department of Law Enforcement, and a



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1927 federal criminal history background check must be conducted  
1928 through the Federal Bureau of Investigation.

1929 4. All fingerprints submitted to the Department of Law  
1930 Enforcement must be submitted electronically and entered into  
1931 the statewide automated biometric ~~fingerprint~~ identification  
1932 system established in s. 943.05(2)(b) and available for use in  
1933 accordance with s. 943.05(2)(g) and (h). The office shall pay an  
1934 annual fee to the department to participate in the system and  
1935 inform the department of any person whose fingerprints are no  
1936 longer required to be retained.

1937 5. The costs of fingerprint processing, including the cost  
1938 of retaining the fingerprints, shall be borne by the person  
1939 subject to the background check.

1940 6. The office is responsible for reviewing the results of  
1941 the state and federal criminal history checks and determining  
1942 whether the applicant meets licensure requirements.

1943 Section 48. Subsections (7) and (10) of section 517.12,  
1944 Florida Statutes, are amended to read:

1945 517.12 Registration of dealers, associated persons,  
1946 investment advisers, and branch offices.—

1947 (7) The application shall also contain such information as  
1948 the commission or office may require about the applicant; any  
1949 member, principal, or director of the applicant or any person  
1950 having a similar status or performing similar functions; any  
1951 person directly or indirectly controlling the applicant; or any  
1952 employee of a dealer or of an investment adviser rendering  
1953 investment advisory services. Each applicant and any direct  
1954 owners, principals, or indirect owners that are required to be  
1955 reported on Form BD or Form ADV pursuant to subsection (15)



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1956 shall file a complete set of fingerprints. Fingerprints ~~A~~  
1957 ~~fingerprint card~~ submitted to the office must be taken by an  
1958 authorized law enforcement agency or in a manner approved by the  
1959 commission by rule. The office shall submit the fingerprints to  
1960 the Department of Law Enforcement for state processing, and the  
1961 Department of Law Enforcement shall forward the fingerprints to  
1962 the Federal Bureau of Investigation for federal processing. The  
1963 cost of the fingerprint processing may be borne by the office,  
1964 the employer, or the person subject to the background check. The  
1965 Department of Law Enforcement shall submit an invoice to the  
1966 office for the fingerprints received each month. The office  
1967 shall screen the background results to determine whether ~~if~~ the  
1968 applicant meets licensure requirements. The commission may  
1969 waive, by rule, the requirement that applicants, including any  
1970 direct owners, principals, or indirect owners that are required  
1971 to be reported on Form BD or Form ADV pursuant to subsection  
1972 (15), file a set of fingerprints or the requirement that such  
1973 fingerprints be processed by the Department of Law Enforcement  
1974 or the Federal Bureau of Investigation. The commission or office  
1975 may require information about any such applicant or person  
1976 concerning such matters as:

1977 (a) His or her full name, and any other names by which he  
1978 or she may have been known, and his or her age, social security  
1979 number, photograph, qualifications, and educational and business  
1980 history.

1981 (b) Any injunction or administrative order by a state or  
1982 federal agency, national securities exchange, or national  
1983 securities association involving a security or any aspect of the  
1984 securities business and any injunction or administrative order



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1985 by a state or federal agency regulating banking, insurance,  
1986 finance, or small loan companies, real estate, mortgage brokers,  
1987 or other related or similar industries, which injunctions or  
1988 administrative orders relate to such person.

1989 (c) His or her conviction of, or plea of nolo contendere  
1990 to, a criminal offense or his or her commission of any acts  
1991 which would be grounds for refusal of an application under s.  
1992 517.161.

1993 (d) The names and addresses of other persons of whom the  
1994 office may inquire as to his or her character, reputation, and  
1995 financial responsibility.

1996 (10) An applicant for registration shall pay an assessment  
1997 fee of \$200, in the case of a dealer or investment adviser, or  
1998 \$50, in the case of an associated person. An associated person  
1999 may be assessed an additional fee to cover the cost for the  
2000 fingerprints ~~fingerprint cards~~ to be processed by the office.  
2001 Such fee shall be determined by rule of the commission. Each  
2002 dealer and each investment adviser shall pay an assessment fee  
2003 of \$100 for each office in this state. Such fees become the  
2004 revenue of the state, except for those assessments provided for  
2005 under s. 517.131(1) until such time as the Securities Guaranty  
2006 Fund satisfies the statutory limits, and are not returnable in  
2007 the event that registration is withdrawn or not granted.

2008 Section 49. Subsection (2) of section 538.09, Florida  
2009 Statutes, is amended to read:

2010 538.09 Registration.—

2011 (2) The secondhand dealer shall furnish with her or his  
2012 registration a complete set of her or his fingerprints,  
2013 certified by an authorized law enforcement officer, and a recent



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2014 fullface photographic identification card of herself or himself.  
2015 The Department of Law Enforcement shall report its findings to  
2016 the Department of Revenue within 30 days after the date the  
2017 fingerprints ~~fingerprint cards~~ are submitted for criminal  
2018 justice information.

2019 Section 50. Paragraph (b) of subsection (1) of section  
2020 538.25, Florida Statutes, is amended to read:

2021 538.25 Registration.—

2022 (1) A person may not engage in business as a secondary  
2023 metals recycler at any location without registering with the  
2024 department. The department shall accept applications only from a  
2025 fixed business address. The department may not accept an  
2026 application that provides an address of a hotel room or motel  
2027 room, a vehicle, or a post office box.

2028 (b) The department shall forward the full set of  
2029 fingerprints to the Department of Law Enforcement for state and  
2030 federal processing, provided the federal service is available,  
2031 to be processed for any criminal justice information as defined  
2032 in s. 943.045. The cost of processing such fingerprints shall be  
2033 payable to the Department of Law Enforcement by the department.  
2034 The department may issue a temporary registration to each  
2035 location pending completion of the background check by state and  
2036 federal law enforcement agencies, but shall revoke such  
2037 temporary registration if the completed background check reveals  
2038 a prohibited criminal background. The Department of Law  
2039 Enforcement shall report its findings to the Department of  
2040 Revenue within 30 days after the date the fingerprints  
2041 ~~fingerprint cards~~ are submitted for criminal justice  
2042 information.



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2043           Section 51. Subsection (2) of section 548.024, Florida  
2044 Statutes, is amended to read:

2045           548.024 Background investigation of applicants for  
2046 licensure.—

2047           (2) If the commission requires a background criminal  
2048 history investigation of any applicant, it shall require the  
2049 applicant to submit to the department fingerprints ~~a fingerprint~~  
2050 ~~card~~ for this purpose. The fingerprints ~~fingerprint card~~ shall  
2051 be forwarded to the Division of Criminal Justice Information  
2052 Systems within the Department of Law Enforcement and the Federal  
2053 Bureau of Investigation for ~~purposes of processing the~~  
2054 ~~fingerprint card~~ to determine whether ~~if~~ the applicant has a  
2055 criminal history record. The information obtained by the  
2056 processing of the fingerprints ~~fingerprint card~~ by the  
2057 Department of Law Enforcement and the Federal Bureau of  
2058 Investigation shall be sent to the department to determine  
2059 whether ~~for the purpose of determining if~~ the applicant is  
2060 statutorily qualified for licensure.

2061           Section 52. Paragraphs (b) and (c) of subsection (10) of  
2062 section 550.105, Florida Statutes, are amended to read:

2063           550.105 Occupational licenses of racetrack employees; fees;  
2064 denial, suspension, and revocation of license; penalties and  
2065 fines.—

2066           (10)

2067           (b) All fingerprints required by this section that are  
2068 submitted to the Department of Law Enforcement shall be retained  
2069 by the Department of Law Enforcement and entered into the  
2070 statewide automated biometric ~~fingerprint~~ identification system  
2071 as authorized by s. 943.05(2) (b) and shall be available for all





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2072 purposes and uses authorized for arrest fingerprints ~~fingerpr~~  
2073 ~~cards~~ entered into the statewide automated biometric ~~fingerpr~~  
2074 identification system pursuant to s. 943.051.

2075 (c) The Department of Law Enforcement shall search all  
2076 arrest fingerprints received pursuant to s. 943.051 against the  
2077 fingerprints retained in the statewide automated biometric  
2078 ~~fingerpr~~ identification system under paragraph (b). Any  
2079 arrest record that is identified with the retained fingerprints  
2080 of a person subject to the criminal history screening  
2081 requirements of this section shall be reported to the division.  
2082 Each licensee shall pay a fee to the division for the cost of  
2083 retention of the fingerprints and the ongoing searches under  
2084 this paragraph. The division shall forward the payment to the  
2085 Department of Law Enforcement. The amount of the fee to be  
2086 imposed for performing these searches and the procedures for the  
2087 retention of licensee fingerprints shall be as established by  
2088 rule of the Department of Law Enforcement. The division shall  
2089 inform the Department of Law Enforcement of any change in the  
2090 license status of licensees whose fingerprints are retained  
2091 under paragraph (b).

2092 Section 53. Subsection (2) of section 550.908, Florida  
2093 Statutes, is amended to read:

2094 550.908 Powers and duties of compact committee.—In order to  
2095 carry out the purposes of this compact, the compact committee  
2096 has the power and duty to:

2097 (2) Investigate applicants for licensure by the compact  
2098 committee and, as permitted by federal and state law, gather  
2099 information on such applicants, including criminal history  
2100 record information from the Federal Bureau of Investigation and



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2101 relevant state and local law enforcement agencies, and, where  
2102 appropriate, from the Royal Canadian Mounted Police and law  
2103 enforcement agencies of other countries, which is necessary to  
2104 determine whether a license should be issued under the licensure  
2105 requirements established by the committee under subsection (1).  
2106 The fingerprints of each applicant for licensure by the compact  
2107 committee shall be taken by the compact committee, its  
2108 employees, or its designee, and, pursuant to Pub. L. No. 92-544  
2109 or Pub. L. No. 100-413, shall be forwarded to a state  
2110 identification bureau or to the Association of Racing  
2111 Commissioners International, Inc., for submission to the Federal  
2112 Bureau of Investigation for a criminal history record check.  
2113 Such fingerprints may be submitted ~~on a fingerprint card or~~ by  
2114 electronic or other means authorized by the Federal Bureau of  
2115 Investigation or other receiving law enforcement agency.

2116 Section 54. Paragraphs (c) and (d) of subsection (7) of  
2117 section 551.107, Florida Statutes, are amended to read:

2118 551.107 Slot machine occupational license; findings;  
2119 application; fee.—

2120 (7) Fingerprints for all slot machine occupational license  
2121 applications shall be taken in a manner approved by the division  
2122 and shall be submitted electronically to the Department of Law  
2123 Enforcement for state processing and the Federal Bureau of  
2124 Investigation for national processing for a criminal history  
2125 record check. All persons as specified in s. 550.1815(1)(a)  
2126 employed by or working within a licensed premises shall submit  
2127 fingerprints for a criminal history record check and may not  
2128 have been convicted of any disqualifying criminal offenses  
2129 specified in subsection (6). Division employees and law



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2130 enforcement officers assigned by their employing agencies to  
2131 work within the premises as part of their official duties are  
2132 excluded from the criminal history record check requirements  
2133 under this subsection. For purposes of this subsection, the term  
2134 "convicted" means having been found guilty, with or without  
2135 adjudication of guilt, as a result of a jury verdict, nonjury  
2136 trial, or entry of a plea of guilty or nolo contendere.

2137 (c) All fingerprints submitted to the Department of Law  
2138 Enforcement and required by this section shall be retained by  
2139 the Department of Law Enforcement and entered into the statewide  
2140 automated biometric fingerprint identification system as  
2141 authorized by s. 943.05(2)(b) and shall be available for all  
2142 purposes and uses authorized for arrest fingerprints fingerprint  
2143 ~~cards~~ entered into the statewide automated biometric fingerprint  
2144 identification system pursuant to s. 943.051.

2145 (d) The Department of Law Enforcement shall search all  
2146 arrest fingerprints received pursuant to s. 943.051 against the  
2147 fingerprints retained in the statewide automated biometric  
2148 ~~fingerprint~~ identification system under paragraph (c). Any  
2149 arrest record that is identified with the retained fingerprints  
2150 of a person subject to the criminal history screening  
2151 requirements of this section shall be reported to the division.  
2152 Each licensed facility shall pay a fee to the division for the  
2153 cost of retention of the fingerprints and the ongoing searches  
2154 under this paragraph. The division shall forward the payment to  
2155 the Department of Law Enforcement. The amount of the fee to be  
2156 imposed for performing these searches and the procedures for the  
2157 retention of licensee fingerprints shall be as established by  
2158 rule of the Department of Law Enforcement. The division shall



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2159 inform the Department of Law Enforcement of any change in the  
2160 license status of licensees whose fingerprints are retained  
2161 under paragraph (c).

2162 Section 55. Paragraph (b) of subsection (1) of section  
2163 560.141, Florida Statutes, is amended to read:

2164 560.141 License application.—

2165 (1) To apply for a license as a money services business  
2166 under this chapter the applicant must:

2167 (b) In addition to the application form, submit:

2168 1. A nonrefundable application fee as provided in s.  
2169 560.143.

2170 2. A set of fingerprints ~~fingerprint card~~ for each of the  
2171 persons listed in subparagraph (a)3. unless the applicant is a  
2172 publicly traded corporation, or is exempted from this chapter  
2173 under s. 560.104(1). The fingerprints must be taken by an  
2174 authorized law enforcement agency. The office shall submit the  
2175 fingerprints to the Department of Law Enforcement for state  
2176 processing, and the Department of Law Enforcement shall forward  
2177 the fingerprints to the Federal Bureau of Investigation for  
2178 federal processing. The cost of the fingerprint processing may  
2179 be borne by the office, the employer, or the person subject to  
2180 the criminal records background check. The office shall screen  
2181 the background results to determine whether ~~if~~ the applicant  
2182 meets licensure requirements. As used in this section, the term  
2183 “publicly traded” means a stock is currently traded on a  
2184 national securities exchange registered with the federal  
2185 Securities and Exchange Commission or traded on an exchange in a  
2186 country other than the United States regulated by a regulator  
2187 equivalent to the Securities and Exchange Commission and the



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2188 disclosure and reporting requirements of such regulator are  
2189 substantially similar to those of the commission.

2190 3. A copy of the applicant's written anti-money laundering  
2191 program required under 31 C.F.R. s. 103.125.

2192 4. Within the time allotted by rule, any information needed  
2193 to resolve any deficiencies found in the application.

2194 Section 56. Subsection (1) of section 628.906, Florida  
2195 Statutes, is amended to read:

2196 628.906 Application requirements; restrictions on  
2197 eligibility of officers and directors.—

2198 (1) To evidence competence and trustworthiness of its  
2199 officers and directors, the application for a license to act as  
2200 a captive insurance company or captive reinsurance company shall  
2201 include, but not be limited to, background investigations,  
2202 biographical affidavits, and fingerprints ~~fingerprint cards~~ for  
2203 all officers and directors. Fingerprints must be taken by a law  
2204 enforcement agency or other entity approved by the office, be  
2205 accompanied by the fingerprint processing fee specified in s.  
2206 624.501, and processed in accordance with s. 624.34.

2207 Section 57. Subsection (3) of section 633.34, Florida  
2208 Statutes, is amended to read:

2209 633.34 Firefighters; qualifications for employment.—Any  
2210 person applying for employment as a firefighter must:

2211 (3) Submit a set of fingerprints ~~fingerprint card~~ to the  
2212 division with a current processing fee. The fingerprints  
2213 ~~fingerprint card~~ will be forwarded to the Department of Law  
2214 Enforcement and/or the Federal Bureau of Investigation.

2215 Section 58. Subsections (2) and (3) and paragraphs (b) and  
2216 (c) of subsection (4) of section 744.3135, Florida Statutes, are



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2217 amended to read:

2218 744.3135 Credit and criminal investigation.—

2219 (2) For nonprofessional guardians, the court shall accept  
2220 the satisfactory completion of a criminal history record check  
2221 as described in this subsection. A nonprofessional guardian  
2222 satisfies the requirements of this section by undergoing a state  
2223 and national criminal history record check using fingerprints a  
2224 ~~fingerprint card. The clerk of the court shall obtain~~  
2225 ~~fingerprint cards from the Federal Bureau of Investigation and~~  
2226 ~~make them available to nonprofessional guardians.~~ Any  
2227 nonprofessional guardian who is so required shall have his or  
2228 her fingerprints taken and forward them ~~the completed~~  
2229 ~~fingerprint card~~ along with the necessary fee to the Department  
2230 of Law Enforcement for processing. The results of the  
2231 fingerprint ~~card~~ criminal history record check shall be  
2232 forwarded to the clerk of the court, who shall maintain the  
2233 results in the nonprofessional guardian's file and make the  
2234 results available to the court.

2235 (3) For professional guardians, the court and the Statewide  
2236 Public Guardianship Office shall accept the satisfactory  
2237 completion of a criminal history record check by any method  
2238 described in this subsection. A professional guardian satisfies  
2239 the requirements of this section by undergoing÷

2240 ~~(a)~~ an electronic fingerprint criminal history record  
2241 check. A professional guardian may use any electronic  
2242 fingerprinting equipment used for criminal history record  
2243 checks. The Statewide Public Guardianship Office shall adopt a  
2244 rule detailing the acceptable methods for completing an  
2245 electronic fingerprint criminal history record check under this



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2246 section. The professional guardian shall pay the actual costs  
2247 incurred by the Federal Bureau of Investigation and the  
2248 Department of Law Enforcement for the criminal history record  
2249 check. The entity completing the record check must immediately  
2250 send the results of the criminal history record check to the  
2251 clerk of the court and the Statewide Public Guardianship Office.  
2252 The clerk of the court shall maintain the results in the  
2253 professional guardian's file and shall make the results  
2254 available to the court; ~~or~~

2255 ~~(b) A criminal history record check using a fingerprint~~  
2256 ~~card. The clerk of the court shall obtain fingerprint cards from~~  
2257 ~~the Federal Bureau of Investigation and make them available to~~  
2258 ~~guardians. Any guardian who is so required shall have his or her~~  
2259 ~~fingerprints taken and forward the proper fingerprint card along~~  
2260 ~~with the necessary fee to the Department of Law Enforcement for~~  
2261 ~~processing. The results of the fingerprint card criminal history~~  
2262 ~~record checks shall be forwarded to the clerk of the court, who~~  
2263 ~~shall maintain the results in the guardian's file and make the~~  
2264 ~~results available to the court and the Statewide Public~~  
2265 ~~Guardianship Office.~~

2266 (4)

2267 (b) All fingerprints electronically submitted to the  
2268 Department of Law Enforcement under this section shall be  
2269 retained by the Department of Law Enforcement in a manner  
2270 provided by rule and entered in the statewide automated  
2271 biometric fingerprint identification system authorized by s.  
2272 943.05(2)(b). The fingerprints shall thereafter be available for  
2273 all purposes and uses authorized for arrest fingerprints  
2274 ~~fingerprint cards~~ entered in the Criminal Justice Information



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2275 Program under s. 943.051.

2276 (c) The Department of Law Enforcement shall search all  
2277 arrest fingerprints ~~fingerprint cards~~ received under s. 943.051  
2278 against the fingerprints retained in the statewide automated  
2279 biometric fingerprint identification system under paragraph (b).  
2280 Any arrest record that is identified with the fingerprints of a  
2281 person described in this paragraph must be reported to the clerk  
2282 of court. The clerk of court must forward any arrest record  
2283 received for a professional guardian to the Statewide Public  
2284 Guardianship Office within 5 days. Each professional guardian  
2285 who elects to submit fingerprint information electronically  
2286 shall participate in this search process by paying an annual fee  
2287 to the Statewide Public Guardianship Office of the Department of  
2288 Elderly Affairs and by informing the clerk of court and the  
2289 Statewide Public Guardianship Office of any change in the status  
2290 of his or her guardianship appointment. The amount of the annual  
2291 fee to be imposed for performing these searches and the  
2292 procedures for the retention of professional guardian  
2293 fingerprints and the dissemination of search results shall be  
2294 established by rule of the Department of Law Enforcement. At  
2295 least once every 5 years, the Statewide Public Guardianship  
2296 Office must request that the Department of Law Enforcement  
2297 forward the fingerprints maintained under this section to the  
2298 Federal Bureau of Investigation.

2299 Section 59. Paragraph (b) of subsection (5) of section  
2300 775.21, Florida Statutes, is amended to read:

2301 775.21 The Florida Sexual Predators Act.—

2302 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated  
2303 as a sexual predator as follows:





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2304 (b) If a sexual predator is not sentenced to a term of  
2305 imprisonment, the clerk of the court shall ensure that the  
2306 sexual predator's fingerprints are taken and forwarded to the  
2307 department within 48 hours after the court renders its written  
2308 sexual predator finding. The fingerprints ~~fingerprint card~~ shall  
2309 be clearly marked, "Sexual Predator Registration ~~Card~~." The  
2310 clerk of the court that convicts and sentences the sexual  
2311 predator for the offense or offenses described in subsection (4)  
2312 shall forward to the department and to the Department of  
2313 Corrections a certified copy of any order entered by the court  
2314 imposing any special condition or restriction on the sexual  
2315 predator that ~~which~~ restricts or prohibits access to the victim,  
2316 if the victim is a minor, or to other minors.

2317 Section 60. Paragraph (d) of subsection (3) of section  
2318 775.261, Florida Statutes, is amended to read:

2319 775.261 The Florida Career Offender Registration Act.—

2320 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

2321 (d) If a career offender is not sentenced to a term of  
2322 imprisonment, the clerk of the court shall ensure that the  
2323 career offender's fingerprints are taken and forwarded to the  
2324 department within 48 hours after the court renders its finding  
2325 that an offender is a career offender. The fingerprints  
2326 ~~fingerprint card~~ shall be clearly marked, "Career Offender  
2327 Registration ~~Card~~."

2328 Section 61. Paragraph (a) of subsection (11) of section  
2329 790.06, Florida Statutes, is amended to read:

2330 790.06 License to carry concealed weapon or firearm.—

2331 (11) (a) No less than 90 days before the expiration date of  
2332 the license, the Department of Agriculture and Consumer Services



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2333 shall mail to each licensee a written notice of the expiration  
2334 and a renewal form prescribed by the Department of Agriculture  
2335 and Consumer Services. The licensee must renew his or her  
2336 license on or before the expiration date by filing with the  
2337 Department of Agriculture and Consumer Services the renewal form  
2338 containing a notarized affidavit stating that the licensee  
2339 remains qualified pursuant to the criteria specified in  
2340 subsections (2) and (3), a color photograph as specified in  
2341 paragraph (5)(e), and the required renewal fee. Out-of-state  
2342 residents must also submit a complete set of fingerprints  
2343 ~~completed fingerprint card~~ and fingerprint processing fee. The  
2344 license shall be renewed upon receipt of the completed renewal  
2345 form, color photograph, appropriate payment of fees, and, if  
2346 applicable, fingerprints ~~a completed fingerprint card~~.  
2347 Additionally, a licensee who fails to file a renewal application  
2348 on or before its expiration date must renew his or her license  
2349 by paying a late fee of \$15. A license may not be renewed 180  
2350 days or more after its expiration date, and such a license is  
2351 deemed to be permanently expired. A person whose license has  
2352 been permanently expired may reapply for licensure; however, an  
2353 application for licensure and fees under subsection (5) must be  
2354 submitted, and a background investigation shall be conducted  
2355 pursuant to this section. A person who knowingly files false  
2356 information under this subsection is subject to criminal  
2357 prosecution under s. 837.06.

2358 Section 62. Subsection (3) of section 944.607, Florida  
2359 Statutes, is amended to read:

2360 944.607 Notification to Department of Law Enforcement of  
2361 information on sexual offenders.-



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2362           (3) If a sexual offender is not sentenced to a term of  
2363 imprisonment, the clerk of the court shall ensure that the  
2364 sexual offender's fingerprints are taken and forwarded to the  
2365 Department of Law Enforcement within 48 hours after the court  
2366 sentences the offender. The fingerprints ~~fingerpr~~int card shall  
2367 be clearly marked "Sexual Offender Registration ~~Card~~."

2368           Section 63. Subsection (2) of section 944.608, Florida  
2369 Statutes, is amended to read:

2370           944.608 Notification to Department of Law Enforcement of  
2371 information on career offenders.—

2372           (2) If a career offender is not sentenced to a term of  
2373 imprisonment, the clerk of the court shall ensure that the  
2374 career offender's fingerprints are taken and forwarded to the  
2375 Department of Law Enforcement within 48 hours after the court  
2376 sentences the career offender. The fingerprints ~~fingerpr~~int card  
2377 shall be clearly marked "Career Offender Registration ~~Card~~."

2378           Section 64. Paragraph (b) of subsection (1) of section  
2379 985.11, Florida Statutes, is amended to read:

2380           985.11 Fingerprinting and photographing.—

2381           (1)

2382           (b) A child who is charged with or found to have committed  
2383 one of the following offenses shall be fingerprinted, and the  
2384 fingerprints shall be submitted to the Department of Law  
2385 Enforcement as provided in s. 943.051(3) (b):

2386           1. Assault, as defined in s. 784.011.

2387           2. Battery, as defined in s. 784.03.

2388           3. Carrying a concealed weapon, as defined in s. 790.01(1).

2389           4. Unlawful use of destructive devices or bombs, as defined  
2390 in s. 790.1615(1).



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- 2391           5. Neglect ~~Negligent treatment of a child~~ ~~children~~, as  
2392 defined in s. 827.03(1)(e) ~~former s. 827.05~~.
- 2393           6. Assault on a law enforcement officer, a firefighter, or  
2394 other specified officers, as defined in s. 784.07(2)(a).
- 2395           7. Open carrying of a weapon, as defined in s. 790.053.
- 2396           8. Exposure of sexual organs, as defined in s. 800.03.
- 2397           9. Unlawful possession of a firearm, as defined in s.  
2398 790.22(5).
- 2399           10. Petit theft, as defined in s. 812.014.
- 2400           11. Cruelty to animals, as defined in s. 828.12(1).
- 2401           12. Arson, resulting in bodily harm to a firefighter, as  
2402 defined in s. 806.031(1).
- 2403           13. Unlawful possession or discharge of a weapon or firearm  
2404 at a school-sponsored event or on school property as defined in  
2405 s. 790.115.
- 2406
- 2407 A law enforcement agency may fingerprint and photograph a child  
2408 taken into custody upon probable cause that such child has  
2409 committed any other violation of law, as the agency deems  
2410 appropriate. Such fingerprint records and photographs shall be  
2411 retained by the law enforcement agency in a separate file, and  
2412 these records and all copies thereof must be marked "Juvenile  
2413 Confidential." These records are not available for public  
2414 disclosure and inspection under s. 119.07(1) except as provided  
2415 in ss. 943.053 and 985.04(2), but shall be available to other  
2416 law enforcement agencies, criminal justice agencies, state  
2417 attorneys, the courts, the child, the parents or legal  
2418 custodians of the child, their attorneys, and any other person  
2419 authorized by the court to have access to such records. In



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2420 addition, such records may be submitted to the Department of Law  
2421 Enforcement for inclusion in the state criminal history records  
2422 and used by criminal justice agencies for criminal justice  
2423 purposes. These records may, in the discretion of the court, be  
2424 open to inspection by anyone upon a showing of cause. The  
2425 fingerprint and photograph records shall be produced in the  
2426 court whenever directed by the court. Any photograph taken  
2427 pursuant to this section may be shown by a law enforcement  
2428 officer to any victim or witness of a crime for the purpose of  
2429 identifying the person who committed such crime.

2430 Section 65. Paragraphs (c) and (e) of subsection (3) of  
2431 section 985.644, Florida Statutes, are amended to read:

2432 985.644 Departmental contracting powers; personnel  
2433 standards and screening.—

2434 (3)

2435 (c) All fingerprint information electronically submitted to  
2436 the Department of Law Enforcement under paragraph (b) shall be  
2437 retained by the Department of Law Enforcement and entered into  
2438 the statewide automated biometric fingerprint identification  
2439 system authorized by s. 943.05(2)(b). Thereafter, such  
2440 fingerprint information shall be available for all purposes and  
2441 uses authorized for arrest fingerprint information entered into  
2442 the statewide automated biometric fingerprint identification  
2443 system pursuant to s. 943.051 until the fingerprint information  
2444 is removed pursuant to paragraph (e). The Department of Law  
2445 Enforcement shall search all arrest fingerprint information  
2446 received pursuant to s. 943.051 against the fingerprint  
2447 information entered into the statewide automated biometric  
2448 identification fingerprint system pursuant to this subsection.



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2449 Any arrest records identified as a result of the search shall be  
2450 reported to the department in the manner and timeframe  
2451 established by the Department of Law Enforcement by rule.

2452 (e) The department shall notify the Department of Law  
2453 Enforcement when a person whose fingerprint information is  
2454 retained by the Department of Law Enforcement under this  
2455 subsection is no longer employed by the department, or by a  
2456 provider under contract with the department, in a delinquency  
2457 facility, service, or program. This notice shall be provided by  
2458 the department to the Department of Law Enforcement within 6  
2459 months after the date of the change in the person's employment  
2460 status. Fingerprint information for persons identified by the  
2461 department in the notice shall be removed from the statewide  
2462 automated biometric identification ~~fingerprint~~ system.

2463 Section 66. Subsection (3) of section 985.4815, Florida  
2464 Statutes, is amended to read:

2465 985.4815 Notification to Department of Law Enforcement of  
2466 information on juvenile sexual offenders.—

2467 (3) If a sexual offender is not sentenced to a term of  
2468 residential commitment, the clerk of the court shall ensure that  
2469 the sexual offender's fingerprints are taken and forwarded to  
2470 the Department of Law Enforcement within 48 hours after the  
2471 court sentences the offender. The fingerprints ~~fingerprint card~~  
2472 shall be clearly marked "Sexual Offender Registration ~~Card~~."

2473 Section 67. Paragraph (b) of subsection (6) of section  
2474 1002.395, Florida Statutes, is amended to read:

2475 1002.395 Florida Tax Credit Scholarship Program.—

2476 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
2477 ORGANIZATIONS.—An eligible nonprofit scholarship-funding



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2478 organization:

2479 (b) Must comply with the following background check  
2480 requirements:

2481 1. All owners and operators as defined in subparagraph  
2482 (2) (h)1. are, upon employment or engagement to provide services,  
2483 subject to level 2 background screening as provided under  
2484 chapter 435. The fingerprints for the background screening must  
2485 be electronically submitted to the Department of Law Enforcement  
2486 and can be taken by an authorized law enforcement agency or by  
2487 an employee of the eligible nonprofit scholarship-funding  
2488 organization or a private company who is trained to take  
2489 fingerprints. However, the complete set of fingerprints of an  
2490 owner or operator may not be taken by the owner or operator. The  
2491 results of the state and national criminal history check shall  
2492 be provided to the Department of Education for screening under  
2493 chapter 435. The cost of the background screening may be borne  
2494 by the eligible nonprofit scholarship-funding organization or  
2495 the owner or operator.

2496 2. Every 5 years following employment or engagement to  
2497 provide services or association with an eligible nonprofit  
2498 scholarship-funding organization, each owner or operator must  
2499 meet level 2 screening standards as described in s. 435.04, at  
2500 which time the nonprofit scholarship-funding organization shall  
2501 request the Department of Law Enforcement to forward the  
2502 fingerprints to the Federal Bureau of Investigation for level 2  
2503 screening. If the fingerprints of an owner or operator are not  
2504 retained by the Department of Law Enforcement under subparagraph  
2505 3., the owner or operator must electronically file a complete  
2506 set of fingerprints with the Department of Law Enforcement. Upon



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2507 submission of fingerprints for this purpose, the eligible  
2508 nonprofit scholarship-funding organization shall request that  
2509 the Department of Law Enforcement forward the fingerprints to  
2510 the Federal Bureau of Investigation for level 2 screening, and  
2511 the fingerprints shall be retained by the Department of Law  
2512 Enforcement under subparagraph 3.

2513 3. ~~Beginning July 1, 2007,~~ All fingerprints submitted to  
2514 the Department of Law Enforcement as required by this paragraph  
2515 must be retained by the Department of Law Enforcement in a  
2516 manner approved by rule and entered in the statewide automated  
2517 biometric fingerprint identification system authorized by s.  
2518 943.05(2)(b). The fingerprints must thereafter be available for  
2519 all purposes and uses authorized for arrest fingerprints  
2520 ~~fingerprint cards~~ entered in the statewide automated biometric  
2521 ~~fingerprint~~ identification system pursuant to s. 943.051.

2522 4. ~~Beginning July 1, 2007,~~ The Department of Law  
2523 Enforcement shall search all arrest fingerprints ~~fingerprint~~  
2524 ~~cards~~ received under s. 943.051 against the fingerprints  
2525 retained in the statewide automated biometric fingerprint  
2526 identification system under subparagraph 3. Any arrest record  
2527 that is identified with an owner's or operator's fingerprints  
2528 must be reported to the Department of Education. The Department  
2529 of Education shall participate in this search process by paying  
2530 an annual fee to the Department of Law Enforcement and by  
2531 informing the Department of Law Enforcement of any change in the  
2532 employment, engagement, or association status of the owners or  
2533 operators whose fingerprints are retained under subparagraph 3.  
2534 The Department of Law Enforcement shall adopt a rule setting the  
2535 amount of the annual fee to be imposed upon the Department of





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2536 Education for performing these services and establishing the  
2537 procedures for the retention of owner and operator fingerprints  
2538 and the dissemination of search results. The fee may be borne by  
2539 the owner or operator of the nonprofit scholarship-funding  
2540 organization.

2541 5. A nonprofit scholarship-funding organization whose owner  
2542 or operator fails the level 2 background screening shall not be  
2543 eligible to provide scholarships under this section.

2544 6. A nonprofit scholarship-funding organization whose owner  
2545 or operator in the last 7 years has filed for personal  
2546 bankruptcy or corporate bankruptcy in a corporation of which he  
2547 or she owned more than 20 percent shall not be eligible to  
2548 provide scholarships under this section.

2549  
2550 Any and all information and documentation provided to the  
2551 Department of Education and the Auditor General relating to the  
2552 identity of a taxpayer that provides an eligible contribution  
2553 under this section shall remain confidential at all times in  
2554 accordance with s. 213.053.

2555 Section 68. Paragraphs (a) and (b) of subsection (3) of  
2556 section 1002.421, Florida Statutes, are amended to read:

2557 1002.421 Accountability of private schools participating in  
2558 state school choice scholarship programs.—

2559 (3) (a) ~~Beginning July 1, 2007,~~ All fingerprints submitted  
2560 to the Department of Law Enforcement as required by this section  
2561 shall be retained by the Department of Law Enforcement in a  
2562 manner provided by rule and entered in the statewide automated  
2563 biometric fingerprint identification system authorized by s.  
2564 943.05(2) (b). Such fingerprints shall thereafter be available



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2565 for all purposes and uses authorized for arrest fingerprints  
2566 ~~fingerprint cards~~ entered in the statewide automated biometric  
2567 ~~fingerprint~~ identification system pursuant to s. 943.051.

2568 (b) ~~Beginning July 1, 2007,~~ The Department of Law  
2569 Enforcement shall search all arrest fingerprints ~~fingerprint~~  
2570 ~~cards~~ received under s. 943.051 against the fingerprints  
2571 retained in the statewide automated biometric fingerprint  
2572 identification system under paragraph (a). Any arrest record  
2573 that is identified with the retained fingerprints of a person  
2574 subject to the background screening under this section shall be  
2575 reported to the employing school with which the person is  
2576 affiliated. Each private school participating in a scholarship  
2577 program is required to participate in this search process by  
2578 informing the Department of Law Enforcement of any change in the  
2579 employment or contractual status of its personnel whose  
2580 fingerprints are retained under paragraph (a). The Department of  
2581 Law Enforcement shall adopt a rule setting the amount of the  
2582 annual fee to be imposed upon each private school for performing  
2583 these searches and establishing the procedures for the retention  
2584 of private school employee and contracted personnel fingerprints  
2585 and the dissemination of search results. The fee may be borne by  
2586 the private school or the person fingerprinted.

2587 Section 69. Paragraphs (a) and (b) of subsection (3) of  
2588 section 1012.32, Florida Statutes, are amended to read:

2589 1012.32 Qualifications of personnel.—

2590 (3) (a) ~~Beginning July 1, 2004,~~ All fingerprints submitted  
2591 to the Department of Law Enforcement as required by subsection  
2592 (2) shall be retained by the Department of Law Enforcement in a  
2593 manner provided by rule and entered in the statewide automated



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2594 biometric fingerprint identification system authorized by s.  
2595 943.05(2) (b). Such fingerprints shall thereafter be available  
2596 for all purposes and uses authorized for arrest fingerprints  
2597 ~~fingerprint cards~~ entered in the statewide automated biometric  
2598 ~~fingerprint~~ identification system pursuant to s. 943.051.

2599 (b) ~~Beginning December 15, 2004,~~ The Department of Law  
2600 Enforcement shall search all arrest fingerprints ~~fingerprint~~  
2601 ~~cards~~ received under s. 943.051 against the fingerprints  
2602 retained in the statewide automated biometric ~~fingerprint~~  
2603 identification system under paragraph (a). Any arrest record  
2604 that is identified with the retained fingerprints of a person  
2605 subject to the background screening under this section shall be  
2606 reported to the employing or contracting school district or the  
2607 school district with which the person is affiliated. Each school  
2608 district is required to participate in this search process by  
2609 payment of an annual fee to the Department of Law Enforcement  
2610 and by informing the Department of Law Enforcement of any change  
2611 in the affiliation, employment, or contractual status or place  
2612 of affiliation, employment, or contracting of its instructional  
2613 and noninstructional personnel whose fingerprints are retained  
2614 under paragraph (a). The Department of Law Enforcement shall  
2615 adopt a rule setting the amount of the annual fee to be imposed  
2616 upon each school district for performing these searches and  
2617 establishing the procedures for the retention of instructional  
2618 and noninstructional personnel fingerprints and the  
2619 dissemination of search results. The fee may be borne by the  
2620 district school board, the contractor, or the person  
2621 fingerprinted.

2622 Section 70. Paragraphs (b), (c), and (e) of subsection (2)



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2623 of section 1012.467, Florida Statutes, are amended to read:

2624 1012.467 Noninstructional contractors who are permitted  
2625 access to school grounds when students are present; background  
2626 screening requirements.-

2627 (2)

2628 (b) As authorized by law, the Department of Law Enforcement  
2629 shall retain the fingerprints submitted by the school districts  
2630 pursuant to this subsection to the Department of Law Enforcement  
2631 for a criminal history background screening in a manner provided  
2632 by rule and enter the fingerprints in the statewide automated  
2633 biometric fingerprint identification system authorized by s.  
2634 943.05(2)(b). The fingerprints shall thereafter be available for  
2635 all purposes and uses authorized for arrest fingerprints  
2636 ~~fingerprint cards~~ entered into the statewide automated biometric  
2637 ~~fingerprint~~ identification system under s. 943.051.

2638 (c) As authorized by law, the Department of Law Enforcement  
2639 shall search all arrest fingerprints ~~fingerprint cards~~ received  
2640 under s. 943.051 against the fingerprints retained in the  
2641 statewide automated biometric fingerprint identification system  
2642 under paragraph (b).

2643 (e) A fingerprint retained pursuant to this subsection  
2644 shall be purged from the automated biometric fingerprint  
2645 identification system 5 years following the date the fingerprint  
2646 was initially submitted. The Department of Law Enforcement shall  
2647 set the amount of the annual fee to be imposed upon each  
2648 participating agency for performing these searches and  
2649 establishing the procedures for retaining fingerprints and  
2650 disseminating search results. The fee may be borne as provided  
2651 by law. Fees may be waived or reduced by the executive director



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2652 of the Department of Law Enforcement for good cause shown.  
2653 Section 71. This act shall take effect July 1, 2013.

2654 ===== T I T L E A M E N D M E N T =====

2655 And the title is amended as follows:

2656 Delete everything before the enacting clause  
2657 and insert:

2658 A bill to be entitled  
2659 An act relating to law enforcement; amending ss.  
2660 125.5801 and 166.0442, F.S.; revising provisions for  
2661 criminal history record checks for certain county and  
2662 municipal employees and appointees; amending s.  
2663 406.145, F.S.; deleting duties of law enforcement  
2664 agencies and the department relating to unidentified  
2665 person reporting forms; amending s. 538.26, F.S.;  
2666 limiting the number of lead-acid batteries or parts  
2667 thereof that a secondary metals recycler may purchase  
2668 in certain transactions in a single day; amending s.  
2669 937.021, F.S.; revising provisions relating to missing  
2670 child and adult reports; amending s. 937.024, F.S.;  
2671 revising provisions relating to the birth records of  
2672 missing children; amending s. 937.025, F.S.; revising  
2673 provisions providing criminal penalties for persons  
2674 who knowingly provide false information concerning a  
2675 missing child; amending s. 937.028, F.S.; revising  
2676 provisions relating to fingerprints of missing  
2677 persons; authorizing retention of such fingerprints  
2678 entered into the statewide biometric identification  
2679 system; amending s. 943.03, F.S.; revising terminology  
2680 relating to documents and information systems;



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2681 deleting an obsolete provision; amending s. 943.031,  
2682 F.S.; correcting a reference; revising provisions  
2683 relating to meetings of the Florida Violent Crime and  
2684 Drug Control Council, the Drug Control Strategy and  
2685 Criminal Gang Committee, and the Victim and Witness  
2686 Protection Review Committee; making specified  
2687 provisions subject to legislative funding; providing  
2688 for return of unexpended funds by specified  
2689 recipients; amending s. 943.0435, F.S.; specifying  
2690 additional items to be reported by persons required to  
2691 register as sexual offenders; amending s. 943.04351,  
2692 F.S.; revising requirements for searches of  
2693 registration information regarding sexual predators  
2694 and sexual offenders; amending s. 943.0438, F.S.;  
2695 deleting an obsolete provision; amending s. 943.045,  
2696 F.S.; defining the term "biometric"; revising the  
2697 definition of the term "criminal justice information";  
2698 amending s. 943.05, F.S.; revising duties of the  
2699 Criminal Justice Information Program; redesignating  
2700 the statewide automated fingerprint identification  
2701 system as the statewide automated biometric  
2702 identification system; amending s. 943.051, F.S.;  
2703 requiring additional information to be collected from  
2704 persons charged with or convicted of specified  
2705 offenses and submitted electronically to the  
2706 department; providing an exception to the  
2707 fingerprinting of certain juveniles; amending s.  
2708 943.052, F.S.; revising terminology relating to  
2709 disposition reporting; revising information to be



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2710 submitted concerning persons received by or discharged  
2711 from the state correctional system or certain  
2712 juveniles committed to the Department of Juvenile  
2713 Justice; amending s. 943.053, F.S.; revising a  
2714 reference to rules governing criminal justice  
2715 information received from the Federal Government or  
2716 other states; conforming terminology; amending s.  
2717 943.054, F.S.; revising provisions relating to the  
2718 availability of criminal history information derived  
2719 from any United States Department of Justice criminal  
2720 justice information system; amending s. 943.0542,  
2721 F.S.; revising terminology relating to requests for  
2722 screening; authorizing rulemaking relating to payments  
2723 for screening; amending s. 943.0544, F.S.; revising  
2724 terminology relating to the Criminal Justice Network;  
2725 amending s. 943.055, F.S.; revising provisions  
2726 relating to dissemination of criminal justice  
2727 information derived from department information  
2728 systems; providing for audits of noncriminal justice  
2729 agencies when necessary to ensure compliance with  
2730 requirements; amending s. 943.056, F.S.; providing for  
2731 requests for corrections of federal criminal history  
2732 record information in certain circumstances; amending  
2733 s. 943.0582, F.S.; increasing the period in which a  
2734 minor may seek expunction of a nonjudicial arrest  
2735 record following completion of a diversion program;  
2736 revising language relating to a statement to the  
2737 department by a state attorney concerning such an  
2738 expunction request; deleting an obsolete provision;



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2739 amending ss. 943.0585 and 943.059, F.S.; revising  
2740 language relating to expunctions and sealing precluded  
2741 by prior criminal history sealings or expunctions;  
2742 authorizing persons seeking authorization for  
2743 employment with or access to certain seaports to deny  
2744 or fail to acknowledge certain expunged or sealed  
2745 records; amending s. 943.125, F.S.; providing for  
2746 accreditation of correctional facilities, public  
2747 agency offices of inspectors general, and certain  
2748 pretrial diversion programs; authorizing funding and  
2749 support of additional accreditation programs; amending  
2750 s. 943.13, F.S.; deleting a provision authorizing  
2751 temporary employment of a person seeking employment as  
2752 a law enforcement or correctional officer if there is  
2753 an administrative delay in fingerprint processing;  
2754 deleting obsolete language; amending s. 943.132, F.S.;  
2755 revising references to federal qualified active or  
2756 qualified retired law enforcement concealed firearms  
2757 provisions; deleting a requirement that the Criminal  
2758 Justice Standards and Training Commission develop a  
2759 uniform firearms proficiency verification card;  
2760 amending s. 943.1395, F.S.; revising language relating  
2761 to investigations on behalf of the Criminal Justice  
2762 Standards and Training Commission; amending s.  
2763 943.1755, F.S.; providing that the department  
2764 maintains responsibility for delivering and  
2765 facilitating all Florida Criminal Justice Executive  
2766 Institute training; revising membership of the  
2767 institute's policy board; amending s. 943.1757, F.S.;





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2768 deleting a requirement for a periodic report by the  
2769 Criminal Justice Executive Institute concerning  
2770 executive training needs; amending s. 943.25, F.S.;  
2771 authorizing, rather than requiring, the Criminal  
2772 Justice Standards and Training Commission to forward  
2773 to each regional training council a list of its  
2774 specific recommended priority issues or items to be  
2775 funded; authorizing the commission to use computer-  
2776 based testing as an assessment instrument; amending s.  
2777 943.325, F.S.; conforming a cross-reference; amending  
2778 s. 943.33, F.S.; revising provisions relating to the  
2779 availability to defendants of state-operated criminal  
2780 analysis laboratories; specifying that defense experts  
2781 and others are not authorized to be present in such  
2782 laboratories or use laboratory equipment; revising  
2783 provisions relating to costs of laboratory testing  
2784 performed for defendants; amending s. 943.68, F.S.;  
2785 revising the due date of a report detailing  
2786 transportation and protective services provided by the  
2787 department; amending ss. 285.18, 414.40, 447.045,  
2788 455.213, 468.453, 475.615, 493.6105, 493.6108,  
2789 494.00312, 494.00321, 494.00611, 517.12, 538.09,  
2790 538.25, 548.024, 550.105, 550.908, 551.107, 560.141,  
2791 628.906, 633.34, 744.3135, 775.21, 775.261, 790.06,  
2792 944.607, 944.608, 985.11, 985.644, 985.4815, 1002.395,  
2793 1002.421, 1012.32, and 1012.467, F.S.; conforming  
2794 provisions to changes made by the act; providing an  
2795 effective date.