

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 1434

INTRODUCER: Criminal Justice Committee and Senator Evers

SUBJECT: Department of Law Enforcement

DATE: March 18, 2013 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|--------|
| 1. | Erickson | Cannon | CJ | Fav/CS |
| 2. | _____ | _____ | CA | _____ |
| 3. | _____ | _____ | AP | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/SB 1434 amends numerous statutes relating to the operations and duties of, services provided by, and other matters involving the Florida Department of Law Enforcement (FDLE), and also relating to those who use or are impacted by those services.

The majority of the changes to law made by the bill are technical in nature: correcting grammar; replacing antiquated or obsolete terminology or tasks; repealing implementation or adoption dates that have passed; and correcting statutory citations. However, the bill does make some substantive changes to the law, including, but not limited to:

- Authorizing counties and cities to require, by ordinance, employment screening of private contractors and other positions noted in the statutes who are subject to licensing or regulation by the county or city or who have contact with members of the public or access to any public facility or publicly operated facility in such a manner that the county or city finds that preventing unsuitable persons from having such contact or access is critical to security or public safety.
- Revising duties concerning missing person reporting.
- Specifying additional items to be reported by persons required to register as sexual offenders.

- Requiring states agencies and governmental subdivisions, prior to making any decision to appoint or employ a person to work at specified locations, to conduct a search of that person's identifying information through the national sexual offender public website.
- Redesignating the statewide automated fingerprint identification system as the statewide automated biometric identification system.
- Revising matters relating to the Florida Violent Crime and Drug Control Council and its committees.
- Requiring the collection of additional information from persons charged with or convicted of specified offenses.
- Requiring the Domestic and Repeat Violence Injunction Statewide Verification System maintained by the FDLE to include injunctions to prevent child abuse issued under chapter 39, F.S.
- Increasing the period in which a minor may seek expunction of a nonjudicial arrest record following diversion, and conditioning eligibility on the qualifications of the applicant rather than on those of the diversion program in which he or she participates.
- Clarifying that a person may only seal or expunge a record if the person has never before sealed or expunged a record (except in specified instances), and removing references to having received an expunction or sealing "from any jurisdiction outside the state" as a disqualifier for seeking expunction or sealing in Florida.
- Providing for accreditation of correctional facilities, public agency offices of inspectors general, and pretrial diversion programs.
- Revising language relating to testing services provided by a state-operated analysis laboratories to defendants.
- Adding the following property to the list of regulated metal property which secondary metals recyclers may only purchase if certain conditions are met: more than two lead-acid batteries, or any part or component thereof, in a single purchase or from the same individual in a single day.

This bill substantially amends the following sections of the Florida Statutes: 125.5801; 166.0442; 285.18; 406.145; 414.40; 447.045; 455.213; 468.453; 475.615; 493.6105; 493.6108; 494.00312; 494.00321; 494.00611; 517.12; 538.09; 538.25; 538.26, 548.024; 550.105; 550.908; 551.107; 560.141; 628.906; 633.34; 744.3135; 775.21; 775.261; 790.06; 937.021; 937.024; 937.025; 937.028; 943.03; 943.031; 943.0435; 943.04351; 943.0438; 943.045; 943.05; 943.051; 943.052; 943.053; 943.054; 943.0542; 943.0544; 943.055; 943.056; 943.0582; 943.0585; 943.059; 943.125; 943.13; 943.132; 943.1395; 943.1755; 943.1757; 943.25; 943.325; 943.33; 943.68; 944.607; 944.608; 985.11; 985.644; 985.4815; 1002.395; 1002.421; 1012.32; and 1012.467.

II. Present Situation:

See the "Effect of Proposed Changes" section of this analysis for a discussion of the statutes amended by the bill and the relevant background regarding and explanation of changes to the law made by the bill.

III. Effect of Proposed Changes:

The bill amends numerous statutes relating to the operations and duties of, services provided by, and other matters involving the Florida Department of Law Enforcement (FDLE), and also relating to those who use or are impacted by those services.

The majority of the changes to law made by the bill are technical in nature: correcting grammar; replacing antiquated or obsolete terminology or tasks; repealing implementation or adoption dates that have passed; and correcting statutory citations. However, the bill does make some substantive changes to the law. Provided is a section-by-section analysis of the bill.

Sections 1 and 2 (City and county criminal history screenings)

Sections 1 and 2 of the bill, respectively, amend s. 125.5801, F.S. (applicable to counties), and s. 166.0422, F.S. (applicable to municipalities).

Sections 125.5801 and 166.0442, F.S., respectively, authorize counties and cities, by ordinance, to require employment screening for:

- Any position of county/city employment or appointment which the governing body of the county/city finds is critical to security or public safety; and
- Any private contractor, employee of a private contractor, vendor, repair person, or delivery person who has access to any public facility or publicly operated facility that the governing body of the county/city finds is critical to security or public safety.

The statutes do not currently permit a county or city to conduct criminal history checks on persons such as taxi drivers, tow truck operators, and other individuals who likely have close contact with persons in vulnerable situations, because such contact could not be construed as “ha[ving] access to any public facility or publicly operated facility that the governing body of the municipality finds is critical to security or public safety.”¹

The bill amends ss. 125.5801 and 166.0442, F.S., to specify that counties and cities are authorized to require state and national criminal history screening for:

- Any position of county/city employment or appointment, whether paid, unpaid, or contractual, which the governing body of the county/city finds is critical to security or public safety;
- Any private contractor, employee of a private contractor, vendor, repair person, or delivery person who is subject to licensing or regulation by the county; and
- Any private contractor, employee of a private contractor, vendor, repair person, or delivery person who has direct contact with individual members of the public or access to any public facility or publicly operated facility in such a manner or to such an extent that the governing

¹ Analyses of SB 1434 (dated March 13 and 14, 2013), Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice). These analyses are further cited as “FDLE Analyses.” All background information in the “Effect of Proposed Changes” section of this analysis is from the FDLE Analyses, unless otherwise indicated.

body of the county/city finds that preventing unsuitable persons from having such contact or access is critical to security or public safety.

Section 3 (Unidentified deceased persons)

Section 3 of the bill amends s. 406.145, F.S., which requires a law enforcement officer investigating the death of an unidentified person to immediately identify the body. If not immediately identified, the investigating law enforcement agency (LEA) must complete an Unidentified Person Report and enter the data, through the Florida Crime Information Center (FCIC), into the Unidentified Person File of the National Crime Information Center (NCIC).²

An Unidentified Person Report is the form identified by the FDLE that LEAs use to compile information entered into the Unidentified Person File.³

According to the FDLE, while the Unidentified Person Report continues to exist, the form is unnecessary to complete an unidentified entry into the FCIC/NCIC, and many LEAs prefer electronic or automated methods of exchanging information that are more accurate, timely, and efficient than the form.

The bill amends s. 406.145, F.S., to delete the requirement that a LEA investigating the death of an unidentified person complete an Unidentified Person Report when submitting information for entry into the Unidentified Person File of the NCIC. LEAs are still required to enter data concerning the unidentified body into the Unidentified Person File of the NCIC.

Section 4 (Prohibiting secondary metals recyclers from purchasing specified regulated metals property unless certain conditions are met)

Section 4 amends s. 538.26(5), F.S., which prohibits secondary metals recyclers from purchasing specified regulated metals property (e.g., manhole covers) unless certain conditions are met (e.g., reasonable proof of ownership).

Local law enforcement, the Florida Department of Revenue, the Florida Department of Highway Safety and Motor Vehicles, and the FDLE have statutory obligations regarding secondary metals recyclers. The FDLE approves transaction forms that document the sale/purchase of secondary metals. Secondary metals recyclers must complete and maintain these forms for specified time periods.⁴

The bill adds to the list of regulated metal property more than two lead-acid batteries, or any part or component thereof, in a single purchase or from the same individual in a single day.

Sections 5-8 (Missing persons)

Sections 5-8 of the bill, respectively, amend ss. 937.021, 937.024, 937.025, and 937.028, F.S.

² Section 406.145, F.S.

³ *Id.*

⁴ See <http://www.fdle.state.fl.us/Content/getdoc/eb04fafb-039b-468b-a839-6c1e50a773d7/Secondary-Metal-Information-Home.aspx>

The Missing Endangered Persons Information Clearinghouse (MEPIC) is the central repository of information regarding missing endangered persons in Florida.⁵ The MEPIC assists LEAs and Florida's citizens in finding missing persons by providing analytical services and engaging the public in the search. As part of these services, the MEPIC has worked with partner agencies to develop the Florida AMBER Plan⁶ and Florida Silver Alert Plan.⁷ Under these plans, the MEPIC is responsible for issuing all AMBER Alerts, Missing Child Alerts⁸ and State Silver Alerts in Florida. The MEPIC also provides assistance to law enforcement in cases involving unidentified deceased and crimes against children.⁹

Section 937.021(5)(b), F.S., grants specified entities immunity from civil liability when responding to a request from a LEA to release information or photographs pertaining to a missing adult (similar immunity is given to entities responding to requests to release information pertain to Amber Alerts and Silver Alerts). Currently, there is no such immunity for those responding to requests to release information relating to missing children.

Section 937.024, F.S., requires the Office of Vital Statistics, to collect, on a monthly basis, a list of missing children provided by the FDLE and:

- Flag the birth certificate of each identified missing child in order to make its employees aware that a birth certificate is that of a child reported as missing; and
- Recall each missing child's birth certificate or birth record from the local registrar of vital statistics in the county of the missing child's birth.

The state and local registrar are prohibited from providing a copy of the birth certificate or information concerning the birth record of a child whose record has been flagged unless the flag has been removed.¹⁰

Section 937.025, F.S., requires schools to take certain actions and report information about missing children who are students at the school. Section 937.025(7), F.S., makes it a first degree misdemeanor for a person to knowingly provide false information concerning a missing child or the efforts to locate and return a missing child to a parent, family member, or guardian of a child who has been reported missing. The FDLE states that it is unclear whether the crime, as presently worded, involves providing false information to a law enforcement officer, or to the parents of the missing child.

⁵ See <http://www.fdle.state.fl.us/MCICSearch/>

⁶ The Florida AMBER Plan was established in 2000, making Florida the second state in the nation to develop a statewide AMBER Alert. The purpose of the plan is to broadcast critical information of an abducted child as quickly as possible to the media and general public. See <http://www.fdle.state.fl.us/MCICSearch/Amber.asp>

⁷ The statewide Silver Alert is a plan to aid local law enforcement in the rescue or recovery of a missing elderly person who suffers from irreversible deterioration of intellectual faculties. See http://www.dot.state.fl.us/trafficoperations/ITS/Projects_Deploy/SilverAlert/Silver%20Alert%20Final.pdf

⁸ To aid in the recovery of missing children who are in danger where there is no evidence of an abduction, the FDLE established the Missing Child Alert in 2003. See <http://www.fdle.state.fl.us/MCICSearch/Amber.asp>

⁹ *Id.*

¹⁰ Section 937.024(2)(a), F.S. The Office of Vital Statistics must also collect from the FCIC a list of missing children who have been located, identify which of the located children were born in Florida; and remove its flags from the birth certificates or birth records of such children. Section 937.024(1), F.S.

Section 937.028, F.S., requires fingerprints taken and retained by any state agency, public or private organization, or other person, excluding the parent or guardian of the child, for the purpose of identifying a child, be destroyed when the child reaches 18 years of age. According to the FDLE, this provision was designed in response to a concern that private fingerprinting companies might keep children's fingerprints on file after they had reached adulthood.

The bill amends s. 937.021, F.S., to grant specified entities immunity from civil liability when responding to a request from a LEA to release information or photographs pertaining to a missing child.

The bill amends s. 937.024, F.S., to remove the requirement that the Office of Vital Statistics recall each missing child's birth certificate or birth record from the local registrar of vital statistics in the county of the missing child's birth. The Office of Vital Statistics is still required to flag the record and the state and local registrar are still prohibited from releasing the record unless the flag is removed. However, the bill adds language authorizing the state and local registrar to remove a flag from a record upon the MEPIC's official request. According to the FDLE, this will allow parents of missing children to obtain vital statistics records through a request from the MEPIC.

The bill amends s. 937.025(7), F.S., to provide that it is a first degree misdemeanor for a person to knowingly provide false information concerning a missing child or the efforts to locate and return a missing child whose parent, family member, or guardian reported the child missing. This language clarifies that the crime requires providing false information to a law enforcement officer, and not the parents of a missing child.

The bill amends s. 937.028, F.S., to allow the FDLE to retain the fingerprints of any missing person, including children, until the FDLE is notified that the missing person has been recovered. The Office of Vital Statistics must also collect from the FCIC a list of missing children who have been located, identify which of the located children were born in Florida, and remove its flags from the birth certificates or birth records of such children.

Section 9 (FDLE duties)

Section 9 of the bill amends s. 943.03, F.S., which, in part, authorizes the FDLE to enter into contracts with other state agencies to make "photostats" and transmit information by "teletype"; maintain a "statewide, integrated violent crime information system"; and serve as custodial manager of the "statewide telecommunications and data network" maintained by the FDLE. This terminology no longer reflects current operations, services, and responsibilities.

The FDLE is the central repository of criminal justice information for Florida and operates under the authority of s. 943.05, F.S., and chapter 11C, F.A.C. The FDLE maintains the central repository of criminal history records, as well as "hot files" that provide data such as wanted and missing persons, stolen vehicles, guns and property, and domestic violence injunctions. These databases are made accessible to all criminal justice agencies statewide through the FCIC, which links agencies to the FBI's NCIC. The FDLE's Automated Fingerprint Identification System provides immediate positive identification of fingerprints of arrested persons and an automatic

update of the criminal history files. The Criminal Justice Network (CJNet) provides a secure network for LEAs to access key intelligence databases, relevant publications, and other related information-sharing links.

The bill amends s. 943.03, F.S., to delete obsolete provisions and makes other clarifying and technical changes, including but not limited to, updating certain terms due to advancements in technology.

Section 10 (Violent Crime and Drug Control Council)

Section 10 of the bill amends s. 943.031, F.S., which addresses the composition and responsibilities of, and other matters pertaining to, the Florida Violent Crime and Drug Control Council and its committees.

In 1993, the Florida Violent Crime Council was established to financially assist local law enforcement agencies in extraordinary violent crime cases.¹¹ After Florida's crime trend slightly shifted from violent crime to drug crimes, the 2001 Legislative Session approved the expansion of the council to include funding for drug investigations. Renamed the Violent Crime and Drug Control Council, the council now has the ability to provide supplemental funding to local and state law enforcement agencies working violent crime, major drug and money laundering investigations, and victim/witness protection and relocation efforts.¹² The council is currently required to conduct at least two meetings a year, but may meet more often when determined by the chair that extraordinary circumstances require it.¹³

The Legislature supports the funding of the council on a year-to-year basis. However, as a result of budget reductions, the violent crime and drug funding has not been appropriated since FY 2007-2008, and the victim/witness protection funding was reduced to \$100,000.¹⁴

The bill requires the council to meet annually instead of semiannually, and specifies that additional meetings may take place when determined by the FDLE and the chair. The bill authorizes council meetings to take place via conference call, teleconference, or other similar technology. The bill also specifies that the duties of the council must be carried out subject to available funding, and requires recipients of the council's funding to return unexpended funds to the council.

Section 11 (Sexual offender registration information)

Section 11 of the bill amends s. 943.0435, F.S., which, in part, requires qualifying sexual offenders to provide specified identifying information. The FDLE maintains Florida's sexual offender registry which contains this identifying information.

¹¹ See <http://www.fdle.state.fl.us/Content/getdoc/5bcffc57-b3f4-4190-833b-0236a4608d1e/Home.aspx>

¹² *Id.*

¹³ Section 943.031(4), F.S.

¹⁴ According to information provided by FDLE staff via e-mail communication, the reduction was in the 2007 2C special appropriations bill. The FDLE received \$500,000 and the bill reduced the funding by \$400,000 to give the FDLE what it currently receives: \$100,000.

The bill amends the statute to conform to current requirements and practices in all sexual registration chapters by adding fingerprints and photographs to information that must be provided as part of the sexual offender registration process.

Section 12 (Search of registration information regarding sexual predators and sexual offenders prior to certain appointment or employment)

Section 12 of the bill amends s. 943.04351, F.S., which requires a state agency or governmental subdivision to search the sexual offender registration records prior to appointing or hiring someone to work or volunteer at a park, playground, day care center, or other place where children regularly congregate. The search is done using the applicant's name or other identifying information and is conducted via the Internet site maintained by the FDLE.

The bill expands requirements for state agencies employing persons who work or volunteer at parks, playgrounds, and day care centers to include a search of the Dru Sjodin National Sex Offender Public Website maintained by the U.S. Department of Justice. The current law requiring a search of Florida's sexual offender registry was enacted in 2004, prior to the availability of the national public search. The FDLE believes that this revision ensures that state agencies and governmental subdivisions have the most complete information available about sexual offenders from other states who may either fail to register or identify themselves as such when applying for employment. The entire Florida sexual offender registry is submitted to the national registry daily. As such, results from a search of the national registry will include any Florida registry matches as well as any publicly available matches from other state registries.

Section 13 (Background screening of athletic coaches)

Section 13 of the bill amends s. 943.0438, F.S., which requires that independent sanctioning authorities conduct a search of an athletic coach's identifying information against the state and national sexual predator and sexual offender registries. The bill makes a technical change to delete an obsolete date.

Section 14 (Definitions)

Section 14 of the bill amends s. 943.045, F.S., which defines words and phrases used in ss. 943.045-943.08, F.S., which govern the administration of the Criminal Justice Information Program within the FDLE.

The bill defines the term "biometric" to mean impressions, reproductions or representations of human physical characteristics, such as DNA fingerprints, palm prints and foot prints, eye retinas and irises, voice patterns and facial images, such as booking and drivers' license photographs, which when measured and analyzed can be used for identification purposes. The FBI is incorporating systems that can identify palm prints and facial features. The FDLE states that this definition accommodates other modalities for identifying people at the state and national level. The FDLE recommends these changes in order to specify methods used for identification purposes for biometric identification for the Criminal Justice Information Services (CJIS).

The bill also adds “offender registration information” to the definition of the term “criminal justice information” and replaces obsolete language in the definition of the term “criminal history information.”

Section 15 (Criminal Justice Information Program)

Section 15 of the bill amends s. 943.05, F.S., which sets forth duties of the Criminal Justice Information Program. Currently, domestic violence and repeat violence injunction information is electronically transmitted to and between criminal justice agencies via the FCIC. Court orders of protection issued under chapter 39, F.S., are often orders directing an abusing parent to have no contact with a child, not to visit the child’s school, etc.

The bill adds injunctions to prevent child abuse issued under chapter 39, F.S., to the Domestic and Repeat Violence Injunction Statewide Verification System. The FDLE states that this change allows for law enforcement officers to be made aware of these injunctions through the same methods currently used for warrants and domestic violence injunctions.

Section 16 (Criminal justice information; collection and storage; fingerprinting)

Section 16 of the bill amends s. 943.051, F.S., which requires fingerprinting of adults and minors charged with or convicted of felonies or misdemeanors, as specified in the statute. The statute also states that a minor shall be fingerprinted and the fingerprints shall be sent to the FDLE for specific misdemeanor crimes. When this occurs, the submission of fingerprints to the FDLE results in the creation of a criminal history record for the juvenile.

The bill requires submission of palm prints and photographs in addition to fingerprints for those currently required to be fingerprinted. The bill also provides an exception to the fingerprinting requirement for a minor issued a civil citation pursuant to s. 985.12, F.S. The FDLE states that this exception will ensure that the civil citation process works to allow diversion from the criminal justice system and avoidance of a criminal history record for a juvenile in one of these programs.

Section 17 (Disposition reporting)

Section 17 of the bill amends s. 943.052, F.S., which requires arresting agencies to include on the arrest fingerprint card the offender-based transaction system number. The FDLE states that over 90 percent of these submissions are electronic using Livescan machines at booking facilities. A required field in these automated submissions (and for entry into the Computerized Criminal History file) is the offender based transaction system number. This number is recorded on the arrest affidavit and provided to the Clerk of Court. The number is used to help link the reported arrest to the subsequent court disposition.

Additionally, all 67 Clerks of Court submit electronic files of prosecutor and court disposition information to the FDLE. These files are in an established format that allows the FDLE to receive and process them automatically. The Department of Corrections (DOC) submits fingerprints and palm prints electronically for each inmate being processed into prison through one of their reception centers and the Department of Juvenile Justice (DJJ) has Livescan

fingerprint capability (booking devices) at their juvenile assessment facilities and submits fingerprints and palm prints of juvenile offenders.

The bill changes the reference from fingerprint cards to fingerprint submissions in recognition of the fact that over 90 percent of incoming arrests are electronic. The bill also updates the court disposition provision of the statute to reflect current practice. All 67 Clerks report electronically at least monthly, and they have to use a format that the FDLE can receive and process electronically.

The bill also removes the requirement to submit information to the FDLE upon a person being released from a state correctional institution, since there is currently no fingerprint Type of Transaction for a release and there is no automated way to enter release information into the computerized criminal history file.

The bill also removes the requirement to submit information to the FDLE upon a person being released from DJJ custody since currently the FDLE does not get release information from the DJJ.

Section 18 (Dissemination of criminal justice information)

Section 18 of the bill amends s. 943.053, F.S., which provides that criminal justice information derived from federal criminal justice information systems or criminal justice information systems of other states shall not be disseminated in a manner inconsistent with the laws, regulations, or rules of the originating agency.

The National Crime Prevention and Privacy Compact Act of 1998 established an infrastructure by which states can exchange criminal history records for noncriminal justice purposes according to the laws of the requesting state. The act also provides for reciprocity among the states to share records without charging each other for the information. The Compact establishes a council to promulgate rules and procedures for the effective use of the Interstate Identification Index (III) System for noncriminal justice purposes.

The bill provides that criminal justice information derived from federal criminal justice information systems or systems of other states shall not be disseminated in a manner inconsistent with the rules instituted by the National Crime Prevention and Privacy Compact or with other applicable laws or rules.

Section 19 (Exchange of federal criminal history records and information)

Section 19 of the bill amends s. 943.054, F.S., which, in part, provides that criminal history information derived from any U.S. Department of Justice criminal justice information system is available to certain entities, including criminal justice agencies for criminal justice purposes and, pursuant to applicable federal laws and regulations, for use in connection with licensing or local or state employment.

The bill provides that this information is available pursuant to applicable federal laws and regulations, including those instituted by the National Crime Prevention and Privacy Compact, for use in connection with licensing or local or state employment.

Section 20 (Access to criminal history information provided by the FDLE to qualified entities)

Section 20 of the bill amends s. 943.0542, F.S., which provides for access to criminal history information by certain qualified entities. A qualified entity must submit to the FDLE a request for screening an employee or volunteer “on a completed fingerprint card” or the request may be submitted electronically. Each such request must be accompanied by a fee for a statewide criminal history check as established in s. 943.053, F.S., plus the amount charged by the FBI for the national criminal history check.

The bill updates language to remove the reference to hard fingerprint cards and only reference electronic fingerprint submissions. The FBI stopped accepting fingerprint cards in April 2011. It also provides that payments made for criminal history checks must be made in the manner prescribed by the FDLE by rule. These fees are set in law but the timing of payments is established in administrative rule. The FDLE states that last year the Legislature authorized invoicing of these entities and the bill clarifies that this option may be set in rule in the future.

Section 21 (Criminal justice information network and information management)

Section 21 of the bill amends s. 943.0544, F.S., which provides that the FDLE manages and operates the Criminal Justice Network which allows for information and data sharing by criminal justice agencies across the state.

The bill specifies the name of the statewide telecommunications and data network as the “Criminal Justice Network” and corrects a reference relating to the Criminal Justice Network (changing the term “intraagency” to “intrastate”).

Section 22 (Records and audits)

Section 22 amends s. 943.055, F.S., which addresses audits conducted by the Criminal Justice Information Program. This program audits state and local criminal justice agencies to assure compliance with federal and state laws and regulations pertaining to the operation of criminal justice information systems. The program also audits noncriminal justice agencies, including state agencies that receive state and national criminal history record checks and public and private organizations that submit record check requests under the National Child Protection Act (1993), as amended, and s. 943.0542, F.S. The FBI Criminal Justice Information Services Security Policy, v. 5.1 Appendix J, offers guidelines for auditing noncriminal justice agencies.

The bill conforms the statute to current practice by expanding audit requirements for the Criminal Justice Information Program to apply to noncriminal justice agencies.

Section 23 (Access to, and review and challenge of, criminal history records)

Section 23 amends s. 943.056, F.S., which provides a mechanism for an individual to verify the accuracy and completeness of a criminal history record. Upon determining what the record should contain in order to be complete and accurate, the Criminal Justice Information Program must conform state and federal records to reflect corrected criminal history information.

The bill clarifies that the FDLE will request that federal records be corrected by notifying the FBI of the need for correction of records. The FDLE cannot make corrections directly to federal records.

Section 24 (Prearrest, postarrest, or teen court diversion program expunction)

Section 24 of the bill amends s. 943.0582, F.S. The FDLE processes expunction applications for minors who successfully complete a prearrest, postarrest, or teen court diversion program after being arrested for a nonviolent misdemeanor under s. 943.0582, F.S. Applications for prearrest or postarrest diversion expunction must be submitted no later than 6 months after completion of the diversion program. In compliance with the statute, the FDLE must reject juvenile diversion applications that are received after the 6-month application deadline, even though an applicant has completed the diversion program and met all local criteria.

The FDLE believes that current s. 943.0582(3)(c), F.S., is unworkable in practice, as it conditions eligibility for this form of expunction on the admission criteria of the particular diversion program in which the juvenile defendant participated. The FDLE believes that eligibility should not (and was not intended) to vary according to the way different diversion programs are organized and administered from county to county, and should be based on criteria (first-time, non-violent misdemeanor, as defined) applied to the juvenile applicant as an individual, not to the diversion program in which he or she participates.

The bill extends the time limit for applying for a juvenile diversion expunction after completion of the diversion program from 6 to 12 months, and conditions eligibility on the qualifications of the applicant rather than on those of the diversion program in which he or she participates.

Sections 25 and 26 (Court-ordered expunction of criminal history records; court-ordered sealing of criminal history records)

Sections 25 and 26 of the bill amend ss. 943.0585 and 943.059, F.S., which, respectively, address court-ordered expunction of criminal history records and court-ordered sealing of criminal history records. These statutes set forth the criteria that must be met in order to be eligible to have a criminal history record expunged or sealed. In addition, these statutes also provide that in order to have a criminal history record expunged or sealed within Florida, an individual must first apply to the FDLE for a Certificate of Eligibility.

Currently, the FDLE understands the law to mean that a person can only get one court-ordered expunction (s. 943.0585, F.S.) or one court-ordered seal (s. 943.059, F.S.) in a lifetime. The exception is that a person can apply to have a record expunged after it has been sealed for 10

years. The juvenile diversion expunction (s. 943.0582, F.S.) and the automatic juvenile “purge” expunction (s. 943.0515, F.S.) do not count against this once-in-a-lifetime limitation.

Current law provides that a subject of an expunged or sealed record may lawfully deny or fail to acknowledge the arrest covered by the expunged or sealed record except when the subject of the record meets any of a number of exceptions to this general authorization. One of those exceptions is that the subject of record is seeking authorization from a seaport for employment within or access to one or more seaports.

The FDLE believes that a very close reading of the current statutes could potentially open to dispute this once-in-a-lifetime limitation. The FDLE states that, for example, under current law a person must state, when applying for a seal under s. 943.059, F.S., that he or she “has never secured a prior sealing or expunction of a criminal history record under this section.” However, s. 943.059, F.S., relates to sealing only, so a person could argue that he or she does have an expunction under s. 943.059, F.S. (though the person may actually have received an expunction under the appropriate expunction statute, s. 943.0585, F.S.). This same glitch appears in s. 943.0585, F.S.

The statutes make receipt of an expunction or seal from another jurisdiction a disqualification, without elaboration. The FDLE states that the laws of other states vary widely with regard to sealing and expunging criminal history records. In order to make a determination of whether an action taken on a record from another state should disqualify a person from applying for a court-ordered expunction or seal in Florida, FDLE attorneys must conduct extensive research to determine if the action more closely resembles Florida’s court-ordered expunction or seal (limited to once in a lifetime) or one of the other kinds of expunction that would not disqualify an application if it occurred in Florida, e.g., juvenile diversion expunction, automatic juvenile “purge” expunction, or administrative expunction.

The bill replaces the phrase “under this section” in both seal and expunge statutes with a clarification that the subject cannot have secured either a court-ordered expunction or a court-ordered seal under s. 943.0585 or s. 943.059, F.S., as applicable.

The bill also removes references to having received an expunction or sealing “from any jurisdiction outside the state” as a disqualifier for seeking expunction or sealing in Florida.

The bill removes an exception from the general authorization for a subject of an expunged or sealed record to lawfully deny or fail to acknowledge the arrest covered by the expunged or sealed record: when the subject of the record is seeking authorization from a seaport for employment within or access to one or more seaports.

Section 27 (Law enforcement agency accreditation)

Section 27 of the bill amends s. 943.125, F.S., which provides for a law enforcement accreditation program to address certain aspects of law enforcement, including, but not limited to: law enforcement disciplinary procedures and rights; collection and preservation of evidence; use of force; use of criminal investigative funds; seizure and forfeiture of contraband articles; vehicle pursuits; recording and processing citizens’ complaints; and handling natural and

manmade disasters. The Commission for Florida Law Enforcement Accreditation (CFA) was created in 1995 and is staffed by the FDLE.

In 1996, the Legislature repealed the Department of Corrections' oversight authority of county correctional facilities. As a result, county correctional professionals determined that a state accreditation process should be established. The Florida Corrections Accreditation Commission (FCAC) was formed in 1998 to create a process for correctional facilities to incorporate uniform standards for county jails.

In 2005, the Association of Pretrial Professionals (APPF) approached the FCAC and requested an accreditation program for agencies with pretrial responsibilities. Two years later, Florida's Chief Inspector General asked for the development of an accreditation program for the Inspectors General investigation function. As a result of requests by county correctional, pretrial diversion, and inspectors general professionals for accreditation programs, accreditation duties were expanded beyond law enforcement. FDLE staff currently supports the Commission for Florida Law Enforcement Accreditation and the Florida Corrections Accreditation Commission.

The bill provides for accreditation of state and local LEAs, correctional facilities, public agency offices of inspectors general, and the pretrial diversion operations within offices of the state attorneys, county government, or sheriffs' offices. The bill further provides that, subject to available funding, the FDLE will employ support staff to the Commission for Florida Law Enforcement Accreditation and the Florida Corrections Accreditation Commission.

The bill clarifies that the state accreditation process is voluntary. The bill also makes technical changes to correct the name of the Corrections Accreditation Commission.

Section 28 (Officers' minimum qualifications for employment or appointment)

Section 28 of the bill amends s. 943.13, F.S., which provides the minimum qualifications for employment as a law enforcement officer or correctional officer. Under this statute, in the case of administrative delays in processing fingerprints, a person may be employed for a period not to exceed 1 year while the fingerprint check is pending if he or she meets other hiring criteria. Previously when the FBI received paper-inked fingerprint cards, the delay in processing was often 6 weeks, and at times up to 3 months. Because of these delays, there was a need to hire an applicant before the state and national criminal history results were available to the employing agency.

The bill deletes the provision allowing an individual to be employed up to 1 year while a fingerprint check is pending. Technology has improved response times to the point that response times are measured in hours rather than months. All submissions to the FDLE and the FBI are electronic so mailing time is eliminated. In addition, the FDLE has committed to a 3 business day turn around on these submissions. The FDLE packages the state and national responses into a single response and provides it to the employing agency via secure email or secure file transfer. The FDLE states that since response delays no longer exist, this provision is not needed.

Section 29 (Implementation of federal Law Enforcement Officers Safety Act of 2004)

Section 29 of the bill amends s. 943.132, F.S., which requires the Criminal Justice Standards and Training Commission (CJSTC) to authorize a uniform firearms proficiency verification card to facilitate implementation of the federal Law Enforcement Officers Safety Act of 2004. The federal act relates to the carrying of concealed firearms by qualified law enforcement officers and qualified retired law enforcement officers.

The bill deletes references to the “Law Enforcement Officers Safety Act of 2004.” References to the underlying U.S. Code are retained. By not referring to a particular Congressional Act but rather to the underlying U.S. Code, the statute will not have to be amended each time Congress makes changes to the federal law as each such change is made by a bill with a particular “common name.”

Section 30 (Revocation of employment; investigation)

Section 30 of the bill amends s. 943.1395, F.S., which, in part, authorizes the CJSTC to revoke the certification of an officer who is not in compliance with specified provisions. Section 943.1395(6)(a), F.S., provides that the CJSTC shall cause to be investigated any ground for revocation from the employing agency or from the Governor, and the commission may investigate verifiable complaints against an officer.

The FDLE states that the CJSTC is a politically appointed body that does not have the authority to investigate verifiable complaints against an officer. The bill clarifies that the CJSTC may cause verifiable complaints to be investigated.

Sections 31 and 32 (Florida Criminal Justice Executive Institute)

Sections 30 and 31 of the bill, respectively, amend s. 943.1755, F.S. and s. 943.1757, F.S.

Section 943.1755, F.S., provides that the Florida Criminal Justice Executive Institute (FCJEI) is housed within the FDLE. Through the FCJEI, the FDLE delivers educational programs for Florida criminal justice executives. The FCJEI provides external training for high-level criminal justice executives, as well as law enforcement officers and officials. The FCJEI is a CJSTC-certified training center subject to specific rules and audits.

Section 943.1757, F.S., requires the FCJEI Policy Board to identify the needs of criminal justice executives regarding issues related to diverse populations to ensure that appropriate training is provided. Beginning January 1, 1995, and every 5 years thereafter, the policy board is required to submit a report to the appropriate substantive committees of the Legislature describing executive training needs. The board must also prepare a biennial report to the appropriate substantive committees describing how the training needs are being met.

The bill amends s. 943.1755, F.S., to clarify that the FDLE maintains responsibility for delivering and facilitating all FCJEI training.

The bill amends s. 943.1757, F.S., to allow for the appointment of designees to the FCJEL Policy Board to act on behalf of the Secretary of the DOC, the Secretary of the DJJ, and the Executive Director of the FDLE. This change allows these individual agency heads to appoint designees from within their agency that have background and experience in leadership and management training. As designee members of the FCJEL Policy Board they will represent their respective agency interests in the development and delivery of leadership programs offered through and sponsored by the FCJEL. This provision is already allowed for the Commissioner of Education.

The bill corrects the number of members that constitute a quorum of the FCJEL Policy Board. Seven members are needed to obtain a quorum for the 12-person board.

In order to eliminate redundant reporting requirements, the bill deletes the requirement to report to substantive committees of the Legislature every 5 years. The FDLE will continue to submit the required biennial report describing how these training needs are being met. Additionally, the FDLE prepares an annual report for the policy board that addresses these training requirements and is available upon request.

Section 33 (Regional Training Councils)

Section 33 of the bill amends s. 943.25, F.S., which, in part, addresses regional training councils. These councils advise and assist the CJSTC in assessing regional criminal justice training needs and act as extensions of the CJSTC in planning, programming, and budgeting for expenditures of moneys in the Criminal Justice Standards and Training Trust Fund. The CJSTC is required to annually forward to each regional training council a list of its specific recommended priority issues or items to be funded. According to the FDLE, the CJSTC defers to each regional training council to make their own determination of priorities for their jurisdictions, as this is a specific duty for each council.

The bill authorizes, rather than requires, the CJSTC to annually forward to each regional training council a list of specific recommended priority issues or items for funding.

Section 34 (DNA database)

Section 34 of the bill amends s. 943.325, F.S., relating to the DNA database, which, in part, provides that the results of a DNA analysis and the comparison of analytic results shall be released only to criminal justice agencies, at the request of the agency. The term “criminal justice agencies” is defined by reference to a statutory provision which has changed as a result of other changes in the bill. The bill corrects the statutory citation (conforming change).

Section 35 (State-operated criminal analysis laboratories)

Section 35 of the bill amends s. 943.33, F.S., which, in part, provides that testing services of state-operated criminal analysis laboratories shall be available to any defendant in a criminal case upon showing of good cause and upon order of the court with jurisdiction in the case. The term “good cause” is defined as a finding by the court that the laboratory service being sought by the defendant is anticipated to produce evidence that is relevant and material to the defense, that the service sought is one which is reasonably within the capacity of the state-operated laboratory

and will not be unduly burdensome upon the laboratory, and that the service cannot be obtained from any qualified private or nonstate operated laboratory within the state or otherwise reasonably available to the defense. The court shall assess the costs of such service ordered by the court to the defendant or the local public defender's office.

The FDLE states that it has recently encountered a spate of orders seeking to allow defense experts access to the FDLE labs for purposes of testing evidence relevant to the defendant's defense in an ongoing prosecution. The FDLE further states that the presence of any non-FDLE personnel in the FDLE labs causes significant concern regarding contamination, misuse of equipment, and other recognized lab protocol concerns. The FDLE has always considered s. 943.33, F.S., to allow court-ordered testing on behalf of a defendant to be conducted by FDLE personnel, not defense experts or others acting on behalf of the defense.

The bill amends the definition of "good cause" to add that the service sought is one that will not impede normal daily laboratory operations, negatively impact the laboratory's certifications or equipment calibration, and violate the laboratory's national certification or accreditation standards.

The bill also provides that s. 943.33, F.S., does not authorize the presence of defense experts or others representing the defense inside a state-operated laboratory facility where actual testing or analysis is occurring, and does not authorize the use of state-operated laboratory equipment or facilities by defense experts or other persons not employed by or acting on behalf of the FDLE.

The bill also requires the FDLE to assess the costs of all testing, equipment operation, personnel costs, and any other costs directly attributable to the court-ordered testing to the defendant or the defendant's counsel, whether public, private, or pro bono, who obtained the testing order.

Section 36 (Transportation and protective services)

Section 36 of the bill amends s. 943.68, F.S., which, in part, provides that the FDLE shall submit a report each July 15 to the Governor, the Legislature, and the Cabinet, detailing all transportation and protective services provided under specified subsections of the statute within the preceding fiscal year.

The FDLE is charged with providing protective services to the Governor, the Governor's immediate family, and the Governor's office and mansion. The FDLE also provides protective or transportation services to other individuals in certain circumstances when requested by the Governor, the Lieutenant Governor, a member of the Cabinet, the President of the Senate, the Speaker of the House, or the Chief Justice of the Supreme Court.

The FDLE special agents are assigned to two different pay cycles (160 hours) in which they document their hours of service in the FDLE's Automated Investigative Management System (AIM). Therefore, some agents may be at the beginning or middle of a pay cycle on June 30th (the end of the fiscal year) when the transportation and protective services costs are obtained from the AIM.

The bill changes the due date of the annual Transportation and Protective Services Report from July 15th to August 15th. The FDLE states this change will allow for a more accurate reflection of costs associated with protective services provided during a fiscal year. This change will allow all agents who worked protective operations during the fiscal year but whose pay cycle has not ended by June 30th to submit their hours at the end of their cycle.

Section 37 (Tribal council as governing body; powers and duties)

Section 37 of the bill amends s. 285.18, F.S., which provides that the law enforcement agencies of the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida are “criminal justice agencies.” The term “criminal justice agencies” is defined by reference to a statutory provision which has changed as a result of other changes in the bill. The bill corrects the statutory citation (conforming change).

Section 38 (Stop Inmate Fraud Program)

Section 38 of the bill amends s. 414.40, F.S., which addresses the Stop Inmate Fraud Program in the Department of Financial Services. The terms “record” and “criminal justice agencies” are defined by reference to statutory provisions which have changed as a result of other changes in the bill. The bill corrects the statutory citations (conforming changes).

Sections 39-70 (Technical changes to remove outdated or obsolete fingerprinting terminology and tasks from licensing statutes and other statutes)

Various statutes, including, but not limited to, licensing statutes and sexual predator/offender statutes contain outdated, obsolete, or inapplicable terms and tasks relating to fingerprinting. The bill modifies terminology in these statutes relating to fingerprinting and makes other minor, technical wording corrections (unrelated to fingerprinting) as follows:

- **Section 39** of the bill amends s. 447.045, F.S., which relates to confidential information of business agent license applicants held by the Department of Business and Professional Regulation, to replace a reference to “fingerprint cards” with the term “fingerprints.”
- **Section 40** of the bill amends s. 455.213, F.S., which relates to general licensing provisions under chapter 455, F.S. (Business and Professional Regulation), to replace references to “fingerprint card” with the term “fingerprints.”
- **Section 41** of the bill amends s. 468.453, F.S., which relates to licensure of athletic agents, to replace references to “fingerprint card” with the term “fingerprints.”
- **Section 42** of the bill amends s. 476.615, F.S., which relates to qualifications for registration and certification of real estate appraisers, to replace references to “fingerprint card” with the term “fingerprints.”
- **Section 43** of the bill amends s. 493.6105, F.S., which relates to initial application for licensure for private investigators and others, to replace references to “fingerprint card” with the term “fingerprints.”
- **Section 44** of the bill amends s. 493.6108, F.S., which relates to investigation of private investigator applicants and other applicants, to replace a reference to “fingerprint card” with the term “fingerprints.”

- **Section 45** of the bill amends s. 494.00312, F.S., which relates to loan originator licenses, to delete a reference to “in lieu of a paper finger print card” and replace a reference to “fingerprint” with the term “biometric.”
- **Section 46** of the bill amends s. 494.00321, F.S., which relates to mortgage broker licenses, to delete references to “in lieu of a paper finger print card” and replace references to “fingerprint” with the term “biometric.”
- **Section 47** of the bill amends s. 494.00611, F.S., which relates to mortgage lender licenses, to delete a reference to “in lieu of a paper finger print card” and replace a reference to “fingerprint” with the term “biometric.”
- **Section 48** of the bill amends s. 517.12, F.S., which relates to registration of securities dealers and others, to replace references to “fingerprint card” with the term “fingerprints.”
- **Section 49** of the bill amends s. 538.09, F.S., which relates to registration of secondhand dealers, to replace a reference to “fingerprint cards” with the term “fingerprints.”
- **Section 50** of the bill amends s. 538.25, F.S., which relates to registration of secondary metal recyclers, to replace a reference to “fingerprint cards” with the term “fingerprints.”
- **Section 51** of the bill amends s. 548.024, F.S., which relates to pugilistic match promoters, to replace references to “fingerprint card” with the term “fingerprints.”
- **Section 52** of the bill amends s. 550.105, F.S., which relates to occupational licenses of racetrack employees, to replace a reference to “fingerprint cards” with the term “fingerprints” and to replace references to “fingerprint” with the term “biometric.”
- **Section 53** of the bill amends s. 550.908, F.S., which relates to powers and duties of the Compact Committee (pari-mutuel wagering), to delete a reference to “fingerprint card” (where a substituted term is not required).
- **Section 54** of the bill amends s. 551.107, F.S., which relates to slot machine occupational licenses, to replace a reference to “fingerprint” with the term “fingerprints” and to replace references to “fingerprint” and “fingerprint card” with the term “biometric.”
- **Section 55** of the bill amends s. 560.141, F.S., which relates to license applications for money service businesses, to replace a reference to “fingerprint card” with the term “set of fingerprints.”
- **Section 56** of the bill amends s. 628.906, F.S., which relates to application requirements for captive insurance (and reinsurance) companies, to replace a reference to “fingerprint cards” with the term “fingerprints” and replace “fingerprint card” with the term “set of fingerprints.”
- **Section 57** of the bill amends s. 633.34, F.S., which relates to qualification for employment as a firefighter, to replace a reference to “fingerprint card” with the term “set of fingerprints.”
- **Section 58** of the bill amends s. 744.3135, F.S., which relates to credit and criminal investigations of nonprofessional guardian applicants, to replace reference to “fingerprint card” with the term “fingerprints,” delete a reference to “completed fingerprint card,” delete language relating to tasks required by the clerk of court and guardian relating to fingerprint cards, and replace reference to “fingerprint” with the term “biometric.”
- **Section 59** of the bill amends s. 775.21, F.S., relating to sexual predator registration, to replace a reference to “fingerprint card” with the term “fingerprints” and delete the word “Card” in reference to “Sexual Predator Registration Card.”
- **Section 60** of the bill amends s. 775.261, F.S., which relates to career offender registration, to replace a reference to “fingerprint card” with the term “fingerprints” and delete the word “Card” in reference to “Career Offender Registration Card.”

- **Section 61** of the bill amends s. 790.06, F.S., which relates to a license to carry a concealed weapon or firearm, to replace references to “completed fingerprint card” with the term “complete set of fingerprints” or “fingerprints” (as applicable).
- **Section 62** of the bill amends s. 944.607, F.S., which relates to notification to the FDLE of information on sexual offenders, to replace a reference to “fingerprint card” with the term “fingerprints” and delete the word “Card” in reference to “Sexual Offender Registration Card.”
- **Section 63** of the bill amends s. 944.608, F.S., which relates to notification to the FDLE of information on career offenders, to replace a reference to “fingerprint card” with the term “fingerprints” and delete the word “Card” in reference to “Career Offender Registration Card.”
- **Section 64** of the bill amends s. 985.11, F.S., which relates to fingerprinting and photographing of a child charged with or found to have committed any of a number of specified offenses, to correct the description of and citation regarding one of those offenses.
- **Section 65** of the bill amends s. 985.644, F.S., which relates to background screenings of DJJ employees and contracted providers, to replace reference to “fingerprint” with the term “biometric” or “biometric identification” (as applicable).
- **Section 66** of the bill amends s. 985.4815, F.S., which relates to notification to the FDLE of information on juvenile sexual offenders, to replace a reference to “fingerprint card” with the term “fingerprints” and delete the word “Card” in reference to “Sexual Offender Registration Card.”
- **Section 67** of the bill amends s. 1002.395, F.S., which relates to the Florida Tax Credit Scholarship Program, to delete 2007 dates in regard to fingerprint submissions and searches, replace references to “fingerprint” with the term “biometric” and replace references to “fingerprint cards” with the term “fingerprints.”
- **Section 68** of the bill amends s. 1002.421, F.S., which relates to accountability of private schools participating in state school choice scholarship programs, to delete 2007 and 2004 dates in regard to fingerprint submissions and searches, replace references to “fingerprint” with the term “biometric,” and replace references to “fingerprint cards” with the term “fingerprints.”
- **Section 69** of the bill amends s. 1012.32, F.S., which, in part, relates to background screenings of instructional personnel, to delete 2004 dates in regard to fingerprint submissions and searches, replace references to “fingerprint” with the term “biometric,” and replace references to “fingerprint cards” with the term “fingerprints.”
- **Section 70** of the bill amends s. 1012.467, F.S., which, in part, relates to background screenings of noninstructional contractors permitted access to school grounds when students are present, to replace references to “fingerprint” with the term “biometric” and replace references to “fingerprint cards” with the term “fingerprints.”

Section 71 (Effective date)

Section 71 of the bill provides that the bill takes effect on July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

It is unknown at this time if changes relating to court-ordered costs of laboratory services provided by the FDLE will substantially impact defendants and private defense counsel (relative to the current law on court-ordered costs for these services).

C. Government Sector Impact:

It is unknown at this time if changes relating to court-ordered costs of laboratory services provided by the FDLE will substantially impact public defenders (relative to the current law on court-ordered costs for these services).

The bill does not have a fiscal impact on the FDLE.¹⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁵ FDLE Analyses.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 18, 2013:

- Amends various statutes, including, but not limited to, licensing statutes and sexual predator/offender statutes, to modify or remove outdated, obsolete, or inapplicable terms and tasks relating to fingerprinting, and to make other minor, technical wording corrections (unrelated to fingerprinting).
- Adds the following property to the list of regulated metal property which secondary metals recyclers may only purchase if certain conditions are met: more than two lead-acid batteries, or any part or component thereof, in a single purchase or from the same individual in a single day.

- B. **Amendments:**

None.