

By Senator Evers

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1                                   A bill to be entitled  
2           An act relating to the Department of Law Enforcement;  
3           amending ss. 125.5801 and 166.0442, F.S.; authorizing  
4           counties and municipalities to require state and  
5           federal criminal history screening for certain  
6           specified persons, including employees, private  
7           contractors, and employees of private contractors;  
8           amending s. 285.18, F.S.; conforming a cross-  
9           reference; amending s. 406.145, F.S.; removing the  
10          Unidentified Person Report form developed by the  
11          department as a method to enter certain data; amending  
12          s. 414.40, F.S.; conforming cross-references; amending  
13          s. 937.021, F.S.; providing for release of information  
14          relating to a missing child; amending s. 937.024,  
15          F.S.; eliminating a requirement that the Office of  
16          Vital Statistics recall each missing child's birth  
17          certificate or birth record from the local registrar  
18          of vital statistics in the county of the missing  
19          child's birth; amending s. 937.025, F.S.; making  
20          grammatical changes; amending s. 937.028, F.S.;  
21          requiring fingerprints of a child taken and retained  
22          by specified agencies other than the Department of Law  
23          Enforcement to be destroyed when the child becomes 18  
24          years of age; requiring that fingerprints of persons,  
25          including minors, who are reported missing which have  
26          been entered into the automated biometric  
27          identification system maintained by the department be  
28          retained until the missing person has been recovered;  
29          amending s. 943.03, F.S.; removing obsolete provisions

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30 applicable to the department; amending s. 943.031,  
31 F.S.; making the duties of the Florida Violent Crime  
32 and Drug Control Council subject to available funding;  
33 removing obsolete provisions; amending s. 943.0435,  
34 F.S.; requiring a sexual offender to provide his or  
35 her fingerprints and a photograph when registering  
36 with the department; amending s. 943.04351, F.S.;  
37 requiring a state agency or governmental subdivision,  
38 before making an appointment or employment decision,  
39 to search certain databases for registered sexual  
40 predators and sexual offenders; amending s. 943.0438,  
41 F.S.; removing an obsolete date relating to screening  
42 athletic coaches as sexual predators or sexual  
43 offenders; amending s. 943.045, F.S.; defining the  
44 term "biometric"; revising the terms "criminal justice  
45 information" and "criminal history information";  
46 amending s. 943.05, F.S.; clarifying duties of the  
47 Criminal Justice Information Program pertaining to the  
48 statewide automated biometric identification system;  
49 amending s. 943.051, F.S.; requiring local law  
50 enforcement agencies to have fingerprints, palm  
51 prints, and facial images of certain adults and minors  
52 captured and electronically submitted to the  
53 department; amending s. 943.052, F.S.; revising  
54 information that must be included in a disposition  
55 report filed with the department; amending s. 943.053,  
56 F.S.; requiring that information from criminal justice  
57 information systems of the federal government or other  
58 states not be disseminated in a manner inconsistent

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59 with the rules instituted by the National Crime  
60 Prevention and Privacy Compact; amending s. 943.054,  
61 F.S.; providing for the availability of federal  
62 criminal history records and information in a  
63 specified manner; removing certain obsolete  
64 restrictions; amending s. 943.0542, F.S.; requiring  
65 that payment for a criminal history check be made in  
66 the manner prescribed by the department by rule;  
67 amending s. 943.0544, F.S.; permitting the department  
68 to develop and administer a criminal justice  
69 intrastate network; amending ss. 943.055 and 943.056,  
70 F.S.; revising provisions to conform to changes made  
71 by the act; amending s. 943.0582, F.S.; extending the  
72 diversion expunction completion date; removing  
73 obsolete language; amending ss. 943.0585 and 943.059,  
74 F.S.; revising provisions to conform to changes made  
75 by the act; amending s. 943.125, F.S.; providing for  
76 the accreditation of state and local law enforcement  
77 agencies, correctional facilities, and public agency  
78 offices of inspectors general and others; providing  
79 legislative intent; specifying the criteria for the  
80 law enforcement accreditation; requiring the  
81 department to employ and assign support staff to  
82 certain accreditation commissions if funding is  
83 available; requiring the accreditation commissions to  
84 determine accreditation standards used by the  
85 accreditation programs; amending s. 943.13, F.S.;  
86 removing obsolete provisions and making technical  
87 changes; amending s. 943.132, F.S.; deleting a cross-

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88 reference to a federal law relating to the carrying of  
89 concealed firearms by qualified active or qualified  
90 retired law enforcement officers; amending ss.  
91 943.1395 and 943.1755, F.S.; making technical changes;  
92 revising provisions to conform to changes made by the  
93 act; amending s. 943.1757, F.S.; removing obsolete  
94 time provisions; amending s. 943.25, F.S.; conforming  
95 provisions to changes made by the act and making  
96 technical changes; amending s. 943.325, F.S.;

97 conforming a cross-reference; amending s. 943.33,  
98 F.S.; providing that state-operated laboratories shall  
99 furnish laboratory services to law enforcement  
100 officials; revising the definition of the term "good  
101 cause"; prohibiting the presence of specified persons  
102 inside a state-operated laboratory; declaring who is  
103 responsible for costs of providing such materials;  
104 amending s. 943.68, F.S.; changing a reporting date;  
105 providing an effective date.

106  
107 Be It Enacted by the Legislature of the State of Florida:

108  
109 Section 1. Section 125.5801, Florida Statutes, is amended  
110 to read:

111 (Substantial rewording of section. See  
112 s. 125.5801, F.S., for present text.)

113 125.5801 Criminal history record checks for certain county  
114 employees and appointees.-

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

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117 any:

118 (a) Position of county employment or appointment, whether  
119 paid, unpaid, or contractual, which the governing body of the  
120 county finds is critical to security or public safety;

121 (b) Private contractor, employee of a private contractor,  
122 vendor, repair person, or delivery person who is subject to  
123 licensing or regulation by the county; or

124 (c) Private contractor, employee of a private contractor,  
125 vendor, repair person, or delivery person who has direct contact  
126 with individual members of the public or access to any public  
127 facility or publicly operated facility in such manner or to such  
128 an extent that the governing body of the county finds that  
129 preventing unsuitable persons from having such contact or access  
130 is critical to security or public safety.

131 (2) The ordinance must require each person applying for, or  
132 continuing employment or appointment in, any such position,  
133 applying for initial or continuing licensing or regulation, or  
134 having such contact or access, to be fingerprinted. The  
135 fingerprints shall be submitted to the Department of Law  
136 Enforcement for a state criminal history record check and to the  
137 Federal Bureau of Investigation for a national criminal history  
138 record check. The information obtained from the criminal history  
139 record checks conducted pursuant to the ordinance may be used by  
140 the county to determine an applicant's eligibility for such  
141 employment or appointment and to determine a person's  
142 eligibility for continued employment or appointment. This  
143 section is not intended to preempt or prevent any other  
144 background screening, including, but not limited to, other  
145 criminal history record checks, which a county may lawfully

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146 undertake.

147 Section 2. Section 166.0442, Florida Statutes, is amended  
148 to read:

149 (Substantial rewording of section. See  
150 s. 166.0442, F.S., for present text.)

151 166.0442 Criminal history record checks for certain  
152 municipal employees and appointees.—

153 (1) Notwithstanding chapter 435, a municipality may  
154 require, by ordinance, state and national criminal history  
155 screening for any:

156 (a) Position of municipal employment or appointment,  
157 whether paid, unpaid, or contractual, which the governing body  
158 of the municipality finds is critical to security or public  
159 safety;

160 (b) Private contractor, employee of a private contractor,  
161 vendor, repair person, or delivery person who is subject to  
162 licensing or regulation by the municipality; or

163 (c) Private contractor, employee of a private contractor,  
164 vendor, repair person, or delivery person who has direct contact  
165 with individual members of the public or access to any public  
166 facility or publicly operated facility in such manner or to such  
167 an extent that the governing body of the municipality finds that  
168 preventing unsuitable persons from having such contact or access  
169 is critical to security or public safety.

170 (2) The ordinance must require each person applying for, or  
171 continuing employment or appointment in, any such position,  
172 applying for initial or continuing licensing or regulation, or  
173 having such contact or access, to be fingerprinted. The  
174 fingerprints shall be submitted to the Department of Law

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175 Enforcement for a state criminal history record check and to the  
176 Federal Bureau of Investigation for a national criminal history  
177 record check. The information obtained from the criminal history  
178 record checks conducted pursuant to the ordinance may be used by  
179 the municipality to determine an applicant's eligibility for  
180 such employment or appointment and to determine a person's  
181 eligibility for continued employment or appointment. This  
182 section is not intended to preempt or prevent any other  
183 background screening, including, but not limited to, other  
184 criminal history background checks, that a municipality may  
185 lawfully undertake.

186 Section 3. Subsection (3) of section 285.18, Florida  
187 Statutes, is amended to read:

188 285.18 Tribal council as governing body; powers and  
189 duties.-

190 (3) The law enforcement agencies of the Seminole Tribe of  
191 Florida and the Miccosukee Tribe of Indians of Florida shall  
192 have the authority of "criminal justice agencies" as defined in  
193 s. 943.045(11)(e) ~~s. 943.045(10)(e)~~ and shall have the specific  
194 authority to negotiate agreements with the Florida Department of  
195 Law Enforcement, the United States Department of Justice, and  
196 other federal law enforcement agencies for access to criminal  
197 history records for the purpose of conducting ongoing criminal  
198 investigations and for the following governmental purposes:

199 (a) Background investigations, which are required for  
200 employment by a tribal education program, tribal Head Start  
201 program, or tribal day care program as may be required by state  
202 or federal law.

203 (b) Background investigations, which are required for

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204 employment by tribal law enforcement agencies.

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

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

212  
213 With regard to those investigations authorized in paragraphs  
214 (a), (c), and (d), each such individual shall file a complete  
215 set of his or her fingerprints that have been taken by an  
216 authorized law enforcement officer, which set of fingerprints  
217 shall be submitted to the Department of Law Enforcement for  
218 state processing and to the Federal Bureau of Investigation for  
219 federal processing. The cost of processing shall be borne by the  
220 applicant.

221 Section 4. Section 406.145, Florida Statutes, is amended to  
222 read:

223 406.145 Unidentified persons; reporting requirements.—When  
224 an unidentified body is transported to a district medical  
225 examiner pursuant to this chapter, the medical examiner shall  
226 immediately report receipt of such body to the appropriate law  
227 enforcement agency, provided such law enforcement agency was not  
228 responsible for transportation of the body to the medical  
229 examiner. If the medical examiner cannot determine the law  
230 enforcement agency having jurisdiction, he or she shall notify  
231 the sheriff of the county in which the medical examiner is  
232 located, who shall determine the law enforcement agency



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233 responsible for the identification. It is the duty of the law  
234 enforcement officer assigned to and investigating the death to  
235 immediately establish the identity of the body. If the body is  
236 not immediately identified, the law enforcement agency  
237 responsible for investigating the death shall ~~complete an~~  
238 ~~Unidentified Person Report~~ and enter the data, through the  
239 Florida Crime Information Center, into the Unidentified Person  
240 File of the National Crime Information Center. ~~An Unidentified~~  
241 ~~Person Report is that form identified by the Florida Department~~  
242 ~~of Law Enforcement for use by law enforcement agencies in~~  
243 ~~compiling information for entrance into the Unidentified Person~~  
244 ~~File.~~

245 Section 5. Paragraph (b) of subsection (2) of section  
246 414.40, Florida Statutes, is amended to read:

247 414.40 Stop Inmate Fraud Program established; guidelines.-

248 (2) The Department of Financial Services is directed to  
249 implement the Stop Inmate Fraud Program in accordance with the  
250 following guidelines:

251 (b) Pursuant to these procedures, the program shall have  
252 access to records containing correctional information not exempt  
253 from the public records law on incarcerated persons which have  
254 been generated as criminal justice information. As used in this  
255 paragraph, the term "record" is defined as provided in s.  
256 943.045(8) ~~s. 943.045(7)~~, and the term "criminal justice  
257 information" is defined as provided in s. 943.045(4) ~~s.~~  
258 ~~943.045(3)~~.

259 Section 6. Paragraphs (a), (b), (d), and (e) of subsection  
260 (5) of section 937.021, Florida Statutes, are amended to read:

261 937.021 Missing child and missing adult reports.-

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262 (5) (a) Upon receiving a request to record, report,  
263 transmit, display, or release an Amber Alert or Missing Child  
264 Alert information from the law enforcement agency having  
265 jurisdiction over the missing child, the Department of Law  
266 Enforcement as the state Amber Alert coordinator, any state or  
267 local law enforcement agency, and the personnel of these  
268 agencies; any radio or television network, broadcaster, or other  
269 media representative; any dealer of communications services as  
270 defined in s. 202.11; or any agency, employee, individual, or  
271 entity is immune from civil liability for damages for complying  
272 in good faith with the request and is presumed to have acted in  
273 good faith in recording, reporting, transmitting, displaying, or  
274 releasing an Amber Alert or Missing Child Alert information  
275 pertaining to the child.

276 (b) Upon receiving a request to record, report, transmit,  
277 display, or release information and photographs pertaining to a  
278 missing adult or missing child from the law enforcement agency  
279 having jurisdiction over the missing adult or missing child, the  
280 department, a state or local law enforcement agency, and the  
281 personnel of these agencies; any radio or television network,  
282 broadcaster, or other media representative; any dealer of  
283 communications services as defined in s. 202.11; or any agency,  
284 employee, individual, or person is immune from civil liability  
285 for damages for complying in good faith with the request to  
286 provide information and is presumed to have acted in good faith  
287 in recording, reporting, transmitting, displaying, or releasing  
288 information or photographs pertaining to the missing adult or  
289 missing child.

290 (d) The presumption of good faith is not overcome if a

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291 technical or clerical error is made by any agency, employee,  
 292 individual, or entity acting at the request of the local law  
 293 enforcement agency having jurisdiction, or if the Amber Alert,  
 294 Missing Child Alert, missing child information, missing adult  
 295 information, or Silver Alert information is incomplete or  
 296 incorrect because the information received from the local law  
 297 enforcement agency was incomplete or incorrect.

298 (e) ~~Neither~~ This subsection or ~~nor~~ any other provision of  
 299 law does not create ~~creates~~ a duty of the agency, employee,  
 300 individual, or entity to record, report, transmit, display, or  
 301 release the Amber Alert, Missing Child Alert, missing child  
 302 information, missing adult information, or Silver Alert  
 303 information received from the local law enforcement agency  
 304 having jurisdiction. The decision to record, report, transmit,  
 305 display, or release information is discretionary with the  
 306 agency, employee, individual, or entity receiving the  
 307 information.

308 Section 7. Paragraphs (d) and (e) of subsection (1) and  
 309 paragraph (a) of subsection (2) of section 937.024, Florida  
 310 Statutes, are amended to read:

311 937.024 Birth records of missing children; registrars'  
 312 duties.-

313 (1) The Office of Vital Statistics shall:

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

317 (d) ~~(e)~~ Collect each month a list of missing children who  
 318 have been located, as provided by the Department of Law  
 319 Enforcement's Florida Crime Information Center; identify which,

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320 if any, of the located children were born in this state; and  
321 remove its flags from the birth certificates or birth records of  
322 such children accordingly.

323 (2) (a) A copy of the birth certificate or information  
324 concerning the birth record of any child whose record has been  
325 flagged ~~or recalled~~ pursuant to paragraph (1) (c) ~~or paragraph~~  
326 ~~(1) (d)~~ may not be provided by the State Registrar or any local  
327 registrar in response to any inquiry, unless the flag has been  
328 removed pursuant to paragraph (1) (d) or upon the official  
329 request of the Missing Endangered Persons Information  
330 Clearinghouse in the department ~~(1) (e)~~.

331 Section 8. Subsection (7) of section 937.025, Florida  
332 Statutes, is amended to read:

333 937.025 Missing children; student records; reporting  
334 requirements; penalties.—

335 (7) A person who knowingly provides false information  
336 concerning a missing child or the efforts to locate and return a  
337 missing child whose ~~to a~~ parent, family member, or guardian ~~of a~~  
338 ~~child who~~ has ~~been~~ reported the child missing commits a  
339 misdemeanor of the first degree, punishable as provided in s.  
340 775.082 or s. 775.083.

341 Section 9. Section 937.028, Florida Statutes, is amended to  
342 read:

343 937.028 Fingerprints; missing persons ~~children~~.—

344 (1) If fingerprints have been taken for the purpose of  
345 identifying a child, in the event that child becomes missing,  
346 the state agency, public or private organization, or other  
347 person who took such fingerprints may ~~shall~~ not release the  
348 fingerprints to any law enforcement agency or other person for

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349 any purpose other than the identification of a missing child.  
350 Such records and data are exempt from the provisions of s.  
351 119.07(1).

352 (2) Fingerprints of children taken and retained by any  
353 state agency, other than the department, any public or private  
354 organization, or other person, excluding the parent or legal  
355 custodian of the child, shall be destroyed when the child  
356 becomes 18 years of age. Fingerprints of persons, including  
357 minors, who are reported missing which have been entered into  
358 the automated biometric identification system maintained by the  
359 department may be retained until the department is notified that  
360 the missing person has been recovered.

361 Section 10. Paragraph (a) of subsection (6) and subsections  
362 (12), (13), and (15) of section 943.03, Florida Statutes, are  
363 amended to read:

364 943.03 Department of Law Enforcement.—

365 (6) (a) The department shall be governed by all laws  
366 regulating the purchase of supplies and equipment as other state  
367 agencies and may enter into contracts with other state agencies  
368 to make photographs and photocopies ~~photostats~~, to transmit  
369 information electronically ~~by teletype~~, and to perform all those  
370 services consonant with the purpose of this chapter.

371 (12) The department may establish, implement, and maintain  
372 a statewide, integrated ~~violent~~ crime information system capable  
373 of transmitting criminal justice information relating to ~~violent~~  
374 criminal offenses to and between criminal justice agencies  
375 throughout the state.

376 (13) Subject to sufficient annual appropriations, the  
377 department shall develop and maintain, in consultation with the

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378 Criminal and Juvenile Justice Information Systems Council under  
379 s. 943.08, an information system that supports the  
380 administration of the state's criminal and juvenile justice  
381 information sharing system in compliance with this chapter and  
382 other provisions of law. The department shall serve as custodial  
383 manager of the Criminal Justice Network ~~statewide~~  
384 ~~telecommunications and data network~~ developed and maintained as  
385 part of the information system authorized by this subsection.

386 (15) The Department of Law Enforcement, in consultation  
387 with the Criminal and Juvenile Justice Information Systems  
388 Council established in s. 943.06, shall modify the existing  
389 statewide uniform statute table in its criminal history system  
390 to meet the business requirements of state and local criminal  
391 justice and law enforcement agencies. In order to accomplish  
392 this objective, the department shall:

393 (a) Define the minimum business requirements necessary for  
394 successful implementation.

395 (b) Consider the charging and booking requirements of  
396 sheriffs' offices and police departments and the business  
397 requirements of state attorneys, public defenders, criminal  
398 conflict and civil regional counsel, clerks of court, judges,  
399 and state law enforcement agencies.

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

403  
404 ~~The required system modifications and adopted rules shall be~~  
405 ~~implemented by December 31, 2012.~~

406 Section 11. Subsections (2), (4), and (5), paragraphs (b)

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407 and (c) of subsection (6), and subsection (8), of section  
408 943.031, Florida Statutes, are amended to read:

409 943.031 Florida Violent Crime and Drug Control Council.—

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

412 (a) The Attorney General or a designate.

413 (b) A designate of the executive director of the Department  
414 of Law Enforcement.

415 (c) The Secretary of ~~the Department of~~ Corrections or a  
416 designate.

417 (d) The Secretary of Juvenile Justice or a designate.

418 (e) The Commissioner of Education or a designate.

419 (f) The president of the Florida Network of Victim/Witness  
420 Services, Inc., or a designate.

421 (g) The policy coordinator in the Public Safety Unit of the  
422 Governor's Office of Planning and Budgeting, or a designate.

423 (h) The Chief Financial Officer, or a designate.

424 (i) Six members appointed by the Governor, consisting of  
425 two sheriffs, two chiefs of police, one medical examiner, and  
426 one state attorney or their designates.

427  
428 The Governor, when making appointments under this subsection,  
429 must take into consideration representation by geography,  
430 population, ethnicity, and other relevant factors to ensure that  
431 the membership of the council is representative of the state at  
432 large. Designates appearing on behalf of a council member who is  
433 unable to attend a meeting of the council are empowered to vote  
434 on issues before the council to the same extent the designating  
435 council member is so empowered.

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436 (4) MEETINGS.—The council must meet at least annually  
437 ~~semiannually~~. Additional meetings may be held when ~~it is~~  
438 determined by the department and chair ~~that extraordinary~~  
439 ~~circumstances require an additional meeting of the council~~. A  
440 majority of the members of the council constitutes a quorum. The  
441 council meetings may be conducted by conference call,  
442 teleconferencing, or similar technology.

443 (5) DUTIES OF COUNCIL.—Subject to available funding  
444 provided to the department by the Legislature, the council shall  
445 provide advice and make recommendations, as necessary, to the  
446 executive director of the department.

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

450 1. Establishing a program that provides grants to criminal  
451 justice agencies that develop and implement effective violent  
452 crime prevention and investigative programs and which provides  
453 grants to law enforcement agencies for the purpose of drug  
454 control, criminal gang, and illicit money laundering  
455 investigative efforts or task force efforts that are determined  
456 by the council to significantly contribute to achieving the  
457 state's goal of reducing drug-related crime, that represent  
458 significant criminal gang investigative efforts, that represent  
459 a significant illicit money laundering investigative effort, or  
460 that otherwise significantly support statewide strategies  
461 developed by the Statewide Drug Policy Advisory Council  
462 established under s. 397.333, subject to the limitations  
463 provided in this section. The grant program may include an  
464 innovations grant program to provide startup funding for new



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465 initiatives by local and state law enforcement agencies to  
466 combat violent crime or to implement drug control, criminal  
467 gang, or illicit money laundering investigative efforts or task  
468 force efforts by law enforcement agencies, including, but not  
469 limited to, initiatives such as:

470 a. Providing enhanced community-oriented policing.

471 b. Providing additional undercover officers and other  
472 investigative officers to assist with violent crime  
473 investigations in emergency situations.

474 c. Providing funding for multiagency or statewide drug  
475 control, criminal gang, or illicit money laundering  
476 investigative efforts or task force efforts that cannot be  
477 reasonably funded completely by alternative sources and that  
478 significantly contribute to achieving the state's goal of  
479 reducing drug-related crime, that represent significant criminal  
480 gang investigative efforts, that represent a significant illicit  
481 money laundering investigative effort, or that otherwise  
482 significantly support statewide strategies developed by the  
483 Statewide Drug Policy Advisory Council established under s.  
484 397.333.

485 2. Expanding the use of automated biometric ~~fingerprint~~  
486 identification systems at the state and local level.

487 3. Identifying methods to prevent violent crime.

488 4. Identifying methods to enhance multiagency or statewide  
489 drug control, criminal gang, or illicit money laundering  
490 investigative efforts or task force efforts that significantly  
491 contribute to achieving the state's goal of reducing drug-  
492 related crime, that represent significant criminal gang  
493 investigative efforts, that represent a significant illicit

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494 money laundering investigative effort, or that otherwise  
495 significantly support statewide strategies developed by the  
496 Statewide Drug Policy Advisory Council established under s.  
497 397.333.

498 5. Enhancing criminal justice training programs that  
499 address violent crime, drug control, illicit money laundering  
500 investigative techniques, or efforts to control and eliminate  
501 criminal gangs.

502 6. Developing and promoting crime prevention services and  
503 educational programs that serve the public, including, but not  
504 limited to:

505 a. Enhanced victim and witness counseling services that  
506 also provide crisis intervention, information referral,  
507 transportation, and emergency financial assistance.

508 b. A well-publicized rewards program for the apprehension  
509 and conviction of criminals who perpetrate violent crimes.

510 7. Enhancing information sharing and assistance in the  
511 criminal justice community by expanding the use of community  
512 partnerships and community policing programs. Such expansion may  
513 include the use of civilian employees or volunteers to relieve  
514 law enforcement officers of clerical work in order to enable the  
515 officers to concentrate on street visibility within the  
516 community.

517 (b) The full council shall:

518 1. Receive periodic reports from regional violent crime  
519 investigation and statewide drug control strategy implementation  
520 coordinating teams which relate to violent crime trends or the  
521 investigative needs or successes in the regions, including  
522 discussions regarding the activity of significant criminal gangs

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523 in the region, factors, and trends relevant to the  
524 implementation of the statewide drug strategy, and the results  
525 of drug control and illicit money laundering investigative  
526 efforts funded in part by the council.

527         2. Maintain and use criteria for the disbursement of funds  
528 from the Violent Crime Investigative Emergency and Drug Control  
529 Strategy Implementation Account or any other account from which  
530 the council may disburse proactive investigative funds as may be  
531 established within the Department of Law Enforcement Operating  
532 Trust Fund or other appropriations provided to the Department of  
533 Law Enforcement by the Legislature in the General Appropriations  
534 Act. The criteria shall allow for the advancement of funds to  
535 reimburse agencies regarding violent crime investigations as  
536 approved by the full council and the advancement of funds to  
537 implement proactive drug control strategies or significant  
538 criminal gang investigative efforts as authorized by the Drug  
539 Control Strategy and Criminal Gang Committee or the Victim and  
540 Witness Protection Review Committee. Regarding violent crime  
541 investigation reimbursement, an expedited approval procedure  
542 shall be established for rapid disbursement of funds in violent  
543 crime emergency situations.

544         (c) As used in this section, "significant criminal gang  
545 investigative efforts" eligible for proactive funding must  
546 involve at a minimum an effort against a known criminal gang  
547 that:

- 548             1. Involves multiple law enforcement agencies.
- 549             2. Reflects a dedicated significant investigative effort on  
550 the part of each participating agency in personnel, time devoted  
551 to the investigation, and agency resources dedicated to the

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552 effort.

553 3. Reflects a dedicated commitment by a prosecuting  
554 authority to ensure that cases developed by the investigation  
555 will be timely and effectively prosecuted.

556 4. Demonstrates a strategy and commitment to dismantling  
557 the criminal gang via seizures of assets, significant money  
558 laundering and organized crime investigations and prosecutions,  
559 or similar efforts.

560

561 The council may require satisfaction of additional elements, to  
562 include reporting criminal investigative and criminal  
563 intelligence information related to criminal gang activity and  
564 members in a manner required by the department, as a  
565 prerequisite for receiving proactive criminal gang funding.

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

567 (b) Subject to available funding provided to the department  
568 by the Legislature, the committee shall review and approve all  
569 requests for disbursement of funds from the Violent Crime  
570 Investigative Emergency and Drug Control Strategy Implementation  
571 Account within the Department of Law Enforcement Operating Trust  
572 Fund and from other appropriations provided to the department by  
573 the Legislature in the General Appropriations Act. An expedited  
574 approval procedure shall be established for rapid disbursement  
575 of funds in violent crime emergency situations. Committee  
576 meetings may be conducted by conference call, teleconferencing,  
577 or similar technology.

578 (c) Those receiving any proactive funding provided by the  
579 council through the committee shall be required to report the  
580 results of the investigations to the council once the

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581 investigation has been completed. The committee shall also  
582 require ongoing status reports on ongoing investigations using  
583 such findings in its closed sessions, and may require a  
584 recipient to return to the council any portion of unspent  
585 funding that has been provided.

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

587 (a) The Victim and Witness Protection Review Committee is  
588 created within the Florida Violent Crime and Drug Control  
589 Council, consisting of the statewide prosecutor or a state  
590 attorney, a sheriff, a chief of police, and the designee of the  
591 executive director of the Department of Law Enforcement. The  
592 committee shall be appointed from the membership of the council  
593 by the chair of the council after the chair has consulted with  
594 the executive director of the Department of Law Enforcement.  
595 Committee members shall meet in conjunction with the meetings of  
596 the council or at other times as required by the department and  
597 the chair. Committee meetings may be conducted by conference  
598 call, teleconferencing, or similar technology.

599 (b) Subject to available funding provided to the department  
600 by the Legislature, the committee shall:

601 1. Maintain and use criteria for disbursing funds to  
602 reimburse law enforcement agencies for costs associated with  
603 providing victim and witness temporary protective or temporary  
604 relocation services.

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

607 (c) The lead law enforcement agency providing victim or  
608 witness protective or temporary relocation services pursuant to  
609 the provisions of s. 914.25 may submit a request for

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610 reimbursement to the Victim and Witness Protection Review  
611 Committee in a format approved by the committee. The lead law  
612 enforcement agency shall submit such reimbursement request on  
613 behalf of all law enforcement agencies that cooperated in  
614 providing protective or temporary relocation services related to  
615 a particular criminal investigation or prosecution. As part of  
616 the reimbursement request, the lead law enforcement agency must  
617 indicate how any reimbursement proceeds will be distributed  
618 among the agencies that provided protective or temporary  
619 relocation services.

620 (d) The committee, in its discretion, may use funds  
621 available to the committee to provide all or partial  
622 reimbursement to the lead law enforcement agency for such costs,  
623 or may decline to provide any reimbursement.

624 ~~(e) The committee may conduct its meeting by teleconference~~  
625 ~~or conference phone calls when the chair of the committee finds~~  
626 ~~that the need for reimbursement is such that delaying until the~~  
627 ~~next scheduled council meeting will adversely affect the~~  
628 ~~requesting agency's ability to provide the protection services.~~

629 Section 12. Paragraph (b) of subsection (2) and paragraph  
630 (d) of subsection (4) of section 943.0435, Florida Statutes, are  
631 amended to read:

632 943.0435 Sexual offenders required to register with the  
633 department; penalty.—

634 (2) A sexual offender shall:

635 (b) Provide his or her name; date of birth; social security  
636 number; race; sex; height; weight; hair and eye color; tattoos  
637 or other identifying marks; fingerprints; photograph; occupation  
638 and place of employment; address of permanent or legal residence

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639 or address of any current temporary residence, within the state  
640 or out of state, including a rural route address and a post  
641 office box; if no permanent or temporary address, any transient  
642 residence within the state, address, location or description,  
643 and dates of any current or known future temporary residence  
644 within the state or out of state; home telephone number and any  
645 cellular telephone number; any electronic mail address and any  
646 instant message name required to be provided pursuant to  
647 paragraph (4) (d); date and place of each conviction; and a brief  
648 description of the crime or crimes committed by the offender. A  
649 post office box may ~~shall~~ not be provided in lieu of a physical  
650 residential address.

651 1. If the sexual offender's place of residence is a motor  
652 vehicle, trailer, mobile home, or manufactured home, as defined  
653 in chapter 320, the sexual offender shall also provide to the  
654 department through the sheriff's office written notice of the  
655 vehicle identification number; the license tag number; the  
656 registration number; and a description, including color scheme,  
657 of the motor vehicle, trailer, mobile home, or manufactured  
658 home. If the sexual offender's place of residence is a vessel,  
659 live-aboard vessel, or houseboat, as defined in chapter 327, the  
660 sexual offender shall also provide to the department written  
661 notice of the hull identification number; the manufacturer's  
662 serial number; the name of the vessel, live-aboard vessel, or  
663 houseboat; the registration number; and a description, including  
664 color scheme, of the vessel, live-aboard vessel, or houseboat.

665 2. If the sexual offender is enrolled, employed, or  
666 carrying on a vocation at an institution of higher education in  
667 this state, the sexual offender shall also provide to the

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668 department through the sheriff's office the name, address, and  
669 county of each institution, including each campus attended, and  
670 the sexual offender's enrollment or employment status. Each  
671 change in enrollment or employment status shall be reported in  
672 person at the sheriff's office, within 48 hours after any change  
673 in status. The sheriff shall promptly notify each institution of  
674 the sexual offender's presence and any change in the sexual  
675 offender's enrollment or employment status.

676

677 When a sexual offender reports at the sheriff's office, the  
678 sheriff shall take a photograph and a set of fingerprints of the  
679 offender and forward the photographs and fingerprints to the  
680 department, along with the information provided by the sexual  
681 offender. The sheriff shall promptly provide to the department  
682 the information received from the sexual offender.

683 (4)

684 (d) A sexual offender must register any electronic mail  
685 address or instant message name with the department before ~~prior~~  
686 ~~to~~ using such electronic mail address or instant message name ~~on~~  
687 ~~or after October 1, 2007~~. The department shall establish an  
688 online system through which sexual offenders may securely access  
689 and update all electronic mail address and instant message name  
690 information.

691 Section 13. Section 943.04351, Florida Statutes, is amended  
692 to read:

693 943.04351 Search of registration information regarding  
694 sexual predators and sexual offenders required before ~~prior to~~  
695 appointment or employment.—A state agency or governmental  
696 subdivision, before ~~prior to~~ making any decision to appoint or



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697 employ a person to work, whether for compensation or as a  
 698 volunteer, at any park, playground, day care center, or other  
 699 place where children regularly congregate, must conduct a search  
 700 of that person's name or other identifying information against  
 701 the registration information regarding sexual predators and  
 702 sexual offenders through the Dru Sjodin National Sexual Offender  
 703 Public Website maintained by the United States Department of  
 704 Justice. If, for any reason, that website is not available, a  
 705 search of the registration information regarding sexual  
 706 predators and sexual offenders maintained by the department  
 707 under s. 943.043 must be performed ~~maintained by the Department~~  
 708 ~~of Law Enforcement under s. 943.043. The agency or governmental~~  
 709 ~~subdivision may conduct the search using the Internet site~~  
 710 ~~maintained by the Department of Law Enforcement.~~ This section  
 711 does not apply to those positions or appointments within a state  
 712 agency or governmental subdivision for which a state and  
 713 national criminal history background check is conducted.

714 Section 14. Paragraph (a) of subsection (2) of section  
 715 943.0438, Florida Statutes, is amended to read:

716 943.0438 Athletic coaches for independent sanctioning  
 717 authorities.-

718 (2) An independent sanctioning authority shall:

719 (a)1. Conduct a background screening of each current and  
 720 prospective athletic coach. A No person may not shall be  
 721 authorized by the independent sanctioning authority to act as an  
 722 athletic coach ~~after July 1, 2010~~, unless a background screening  
 723 has been conducted and did not result in disqualification under  
 724 paragraph (b). Background screenings shall be conducted annually  
 725 for each athletic coach. For purposes of this section, a

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726 background screening shall be conducted with a search of the  
727 athletic coach's name or other identifying information against  
728 state and federal registries of sexual predators and sexual  
729 offenders, which are available to the public on Internet sites  
730 provided by:

- 731 a. The Department of Law Enforcement under s. 943.043; and  
732 b. The Attorney General of the United States under 42  
733 U.S.C. s. 16920.

734 2. For purposes of this section, a background screening  
735 conducted by a commercial consumer reporting agency in  
736 compliance with the federal Fair Credit Reporting Act using the  
737 identifying information referenced in subparagraph 1. and that  
738 includes searching that information against the sexual predator  
739 and sexual offender Internet sites listed in sub-subparagraphs  
740 1.a. and b. shall be deemed in compliance with the requirements  
741 of this section.

742 Section 15. Present subsections (3) and (4) of section  
743 943.045, Florida Statutes, are amended, subsections (6) through  
744 (18) are renumbered as subsections (7) through (19),  
745 respectively, and a new subsection (3) is added to that section,  
746 to read:

747 943.045 Definitions; ss. 943.045-943.08.—The following  
748 words and phrases as used in ss. 943.045-943.08 shall have the  
749 following meanings:

750 (3) "Biometric" refers to impressions, reproductions, or  
751 representations of human physical characteristics, such as DNA,  
752 fingerprints, palm prints and footprints, eye retinas and  
753 irises, voice patterns, and facial images, by means such as  
754 booking and driver license photographs, which, when measured and

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755 analyzed, can be used for identification purposes.

756 (4)~~(3)~~ "Criminal justice information" means information on  
757 individuals collected or disseminated as a result of arrest,  
758 detention, or the initiation of a criminal proceeding by  
759 criminal justice agencies, including arrest record information,  
760 correctional and release information, criminal history record  
761 information, conviction record information, offender  
762 registration information, identification record information, and  
763 wanted persons record information. The term does ~~shall~~ not  
764 include statistical or analytical records or reports in which  
765 individuals are not identified and from which their identities  
766 are not ascertainable. The term does ~~shall~~ not include criminal  
767 intelligence information or criminal investigative information.

768 (5)~~(4)~~ "Criminal history information" means information  
769 collected by criminal justice agencies on persons, which  
770 information consists of identifiable descriptions and notations  
771 of arrests, detentions, indictments, informations, or other  
772 formal criminal charges and the disposition thereof. The term  
773 does not include identification information, such as biometrics  
774 ~~fingerprint records~~, if the information does not indicate  
775 involvement of the person in the criminal justice system.

776 Section 16. Paragraphs (b) through (e), (g), and (h) of  
777 subsection (2) and subsection (3) of section 943.05, Florida  
778 Statutes, are amended to read:

779 943.05 Criminal Justice Information Program; duties; crime  
780 reports.—

781 (2) The program shall:

782 (b) Establish, implement, and maintain a statewide  
783 automated biometric ~~fingerprint~~ identification system capable

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784 of, but not limited to, reading, classifying, matching, and  
785 storing fingerprints, rolled fingerprints, ~~and~~ latent  
786 fingerprints, palm prints, and facial images. Information  
787 contained within the system must ~~shall~~ be available to every  
788 criminal justice agency that is responsible for the  
789 administration of criminal justice.

790 (c) Initiate a crime information system that is ~~shall be~~  
791 responsible for:

792 1. Preparing and disseminating semiannual reports to the  
793 Governor, the Legislature, all criminal justice agencies, and,  
794 upon request, the public. Each report must ~~shall~~ include, but  
795 need not be limited to, types of crime reported, offenders,  
796 arrests, and victims.

797 2. Upon request, providing other states and federal  
798 criminal justice agencies with Florida crime data. ~~Where~~  
799 ~~convenient, such data shall conform to definitions established~~  
800 ~~by the requesting agencies.~~

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

803 (d) Adopt rules to effectively and efficiently implement,  
804 administer, manage, maintain, and use the automated biometric  
805 ~~fingerprint~~ identification system and uniform offense reports  
806 and arrest reports. The rules shall be considered minimum  
807 requirements and do ~~shall~~ not preclude a criminal justice agency  
808 from implementing its own enhancements. However, rules and forms  
809 prescribing uniform arrest or probable cause affidavits and  
810 alcohol influence reports to be used by all law enforcement  
811 agencies in making DUI arrests under s. 316.193 shall be  
812 adopted, and shall be used by all law enforcement agencies in

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813 this state. ~~The rules and forms prescribing such uniform~~  
814 ~~affidavits and reports shall be adopted and implemented by July~~  
815 ~~1, 2004.~~ Failure to use these uniform affidavits and reports  
816 ~~does, however, shall~~ not prohibit prosecution under s. 316.193.

817 (e) Establish, implement, and maintain a Domestic and  
818 Repeat Violence Injunction Statewide Verification System capable  
819 of electronically transmitting information to and between  
820 criminal justice agencies relating to domestic violence  
821 injunctions, injunctions to prevent child abuse issued under  
822 chapter 39, and repeat violence injunctions issued by the courts  
823 throughout the state. Such information must include, but is not  
824 limited to, information as to the existence and status of any  
825 such injunction for verification purposes.

826 (g) Upon official written request, and subject to the  
827 department having sufficient funds and equipment to participate  
828 in such a request, from the agency executive director or  
829 secretary or from his or her designee, or from qualified  
830 entities participating in the volunteer and employee criminal  
831 history screening system under s. 943.0542, or as otherwise  
832 required by law, retain fingerprints submitted by criminal and  
833 noncriminal justice agencies to the department for a criminal  
834 history background screening as provided by rule and enter the  
835 fingerprints in the statewide automated biometric fingerprint  
836 identification system authorized by paragraph (b). Such  
837 fingerprints must ~~shall~~ thereafter be available for all purposes  
838 and uses authorized for arrest fingerprint submissions entered  
839 into the statewide automated biometric fingerprint  
840 identification system pursuant to s. 943.051.

841 (h) For each agency or qualified entity that officially

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842 requests retention of fingerprints or for which retention is  
843 otherwise required by law, search all arrest fingerprint  
844 submissions received under s. 943.051 against the fingerprints  
845 retained in the statewide automated biometric fingerprint  
846 identification system under paragraph (g).

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

851 2. To participate in this search process, agencies or  
852 qualified entities must notify each person fingerprinted that  
853 his or her fingerprints will be retained, pay an annual fee to  
854 the department unless otherwise provided by law, and inform the  
855 department of any change in the affiliation, employment, or  
856 contractual status of each person whose fingerprints are  
857 retained under paragraph (g) if such change removes or  
858 eliminates the agency or qualified entity's basis or need for  
859 receiving reports of any arrest of that person, so that the  
860 agency or qualified entity is not obligated to pay the upcoming  
861 annual fee for the retention and searching of that person's  
862 fingerprints to the department. The department shall adopt a  
863 rule setting the amount of the annual fee to be imposed upon  
864 each participating agency or qualified entity for performing  
865 these searches and establishing the procedures for the retention  
866 of fingerprints and the dissemination of search results. The fee  
867 may be borne by the agency, qualified entity, or person subject  
868 to fingerprint retention or as otherwise provided by law.  
869 Consistent with the recognition of criminal justice agencies  
870 expressed in s. 943.053(3), these services shall be provided to

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871 criminal justice agencies for criminal justice purposes free of  
872 charge. Qualified entities that elect to participate in the  
873 fingerprint retention and search process are required to timely  
874 remit the fee to the department by a payment mechanism approved  
875 by the department. If requested by the qualified entity, and  
876 with the approval of the department, such fees may be timely  
877 remitted to the department by a qualified entity upon receipt of  
878 an invoice for such fees from the department. Failure of a  
879 qualified entity to pay the amount due on a timely basis or as  
880 invoiced by the department may result in the refusal by the  
881 department to permit the qualified entity to continue to  
882 participate in the fingerprint retention and search process  
883 until all fees due and owing are paid.

884 3. Agencies that participate in the fingerprint retention  
885 and search process may adopt rules pursuant to ss. 120.536(1)  
886 and 120.54 to require employers to keep the agency informed of  
887 any change in the affiliation, employment, or contractual status  
888 of each person whose fingerprints are retained under paragraph  
889 (g) if such change removes or eliminates the agency's basis or  
890 need for receiving reports of any arrest of that person, so that  
891 the agency is not obligated to pay the upcoming annual fee for  
892 the retention and searching of that person's fingerprints to the  
893 department.

894 (3) If fingerprints submitted to the department for  
895 background screening, whether retained or not, are identified  
896 with the fingerprints of a person having a criminal history  
897 record, such fingerprints may thereafter be available for all  
898 purposes and uses authorized for arrest fingerprints ~~fingerprint~~  
899 ~~cards~~, including, but not limited to, entry into the statewide

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900 automated biometric ~~fingerprint~~ identification system to augment  
901 or replace the fingerprints that identify the criminal history  
902 record.

903 Section 17. Subsections (2) and (3) of section 943.051,  
904 Florida Statutes, are amended to read:

905 943.051 Criminal justice information; collection and  
906 storage; fingerprinting.—

907 (2) Each adult person charged with or convicted of a  
908 felony, misdemeanor, or violation of a comparable ordinance by a  
909 state, county, municipal, or other law enforcement agency shall  
910 have fingerprints, palm prints, and facial images captured and  
911 electronically ~~be fingerprinted, and such fingerprints shall be~~  
912 submitted to the department in the manner prescribed by rule.  
913 Exceptions to this requirement for specified misdemeanors or  
914 comparable ordinance violations may be made by the department by  
915 rule.

916 (3) (a) A minor who is charged with or found to have  
917 committed an offense that would be a felony if committed by an  
918 adult shall have fingerprints, palm prints, and facial images  
919 captured and electronically ~~be fingerprinted and the~~  
920 ~~fingerprints shall be~~ submitted to the department in the manner  
921 prescribed by rule.

922 (b) A minor who is charged with or found to have committed  
923 the following offenses shall be fingerprinted, and the  
924 fingerprints shall be submitted to the department unless the  
925 child is issued a civil citation pursuant to s. 985.12:

- 926 1. Assault, as defined in s. 784.011.  
927 2. Battery, as defined in s. 784.03.  
928 3. Carrying a concealed weapon, as defined in s. 790.01(1).



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

931 5. Negligent treatment of children, as defined in s.  
932 827.03(1)(e) ~~former s. 827.05~~.

933 6. Assault or battery on a law enforcement officer, a  
934 firefighter, or other specified officers, as defined in s.  
935 784.07(2)(a) and (b).

936 7. Open carrying of a weapon, as defined in s. 790.053.

937 8. Exposure of sexual organs, as defined in s. 800.03.

938 9. Unlawful possession of a firearm, as defined in s.  
939 790.22(5).

940 10. Petit theft, as defined in s. 812.014(3).

941 11. Cruelty to animals, as defined in s. 828.12(1).

942 12. Arson, as defined in s. 806.031(1).

943 13. Unlawful possession or discharge of a weapon or firearm  
944 at a school-sponsored event or on school property as defined in  
945 s. 790.115.

946 Section 18. Section 943.052, Florida Statutes, is amended  
947 to read:

948 943.052 Disposition reporting.—The Criminal Justice  
949 Information Program shall, by rule, establish procedures and a  
950 format for each criminal justice agency to monitor its records  
951 and submit reports, as provided by this section, to the program.  
952 The disposition report shall be developed by the program and  
953 must ~~shall~~ include the offender-based transaction system number.

954 (1) Each law enforcement officer or booking officer shall  
955 include, with submitted on the arrest information and  
956 fingerprints, ~~fingerprint card~~ the offender-based transaction  
957 system number.

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958 (2) Each clerk of the court shall submit the uniform  
959 dispositions to the program ~~or~~ in a manner acceptable to the  
960 program. The report shall be submitted at least monthly, ~~once a~~  
961 ~~month and, when acceptable by the program, may be submitted in~~  
962 an automated format acceptable to the department. The  
963 disposition report is mandatory for dispositions relating to  
964 adult offenders only. Beginning July 1, 2008, a disposition  
965 report ~~for each disposition~~ relating to a minor offenders  
966 ~~offender~~ is mandatory.

967 (3) (a) The Department of Corrections shall submit  
968 information to the program relating to the receipt ~~or discharge~~  
969 of a ~~any~~ person who is sentenced to a state correctional  
970 institution.

971 (b) The Department of Juvenile Justice shall submit  
972 fingerprints, palm prints, and facial images ~~information~~ to the  
973 program relating to the receipt ~~or discharge~~ of a ~~any~~ minor who  
974 is found to have committed an offense that would be a felony if  
975 committed by an adult, or is found to have committed a  
976 misdemeanor specified in s. 943.051(3), and who is committed to  
977 the custody of the Department of Juvenile Justice.

978 Section 19. Subsections (2), (3), (11), and (13) of section  
979 943.053, Florida Statutes, are amended to read:

980 943.053 Dissemination of criminal justice information;  
981 fees.—

982 (2) Criminal justice information derived from federal  
983 criminal justice information systems or criminal justice  
984 information systems of other states may ~~shall~~ not be  
985 disseminated in a manner inconsistent with the rules instituted  
986 by the National Crime Prevention and Privacy Compact, 42 U.S.C.

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987 s. 14616, as approved and ratified by the Legislature in s.  
988 943.0543, or with other applicable laws or rules ~~laws,~~  
989 ~~regulations, or rules of the originating agency.~~

990 (3) (a) Criminal history information, including information  
991 relating to minors, compiled by the Criminal Justice Information  
992 Program from intrastate sources shall be available on a priority  
993 basis to criminal justice agencies for criminal justice purposes  
994 free of charge. After providing the program with all known  
995 personal identifying information, persons in the private sector  
996 and noncriminal justice agencies may be provided criminal  
997 history information upon tender of fees as established in this  
998 subsection and in the manner prescribed by rule of the  
999 Department of Law Enforcement. Any access to criminal history  
1000 information by the private sector or noncriminal justice  
1001 agencies as provided in this subsection shall be assessed  
1002 without regard to the quantity or category of criminal history  
1003 record information requested.

1004 (b) The fee per record for criminal history information  
1005 provided pursuant to this subsection and s. 943.0542 is \$24 per  
1006 name submitted, except that the fee for the guardian ad litem  
1007 program and vendors of the Department of Children and Family  
1008 Services, the Department of Juvenile Justice, and the Department  
1009 of Elderly Affairs shall be \$8 for each name submitted; the fee  
1010 for a state criminal history provided for application processing  
1011 as required by law to be performed by the Department of  
1012 Agriculture and Consumer Services shall be \$15 for each name  
1013 submitted; and the fee for requests under s. 943.0542, which  
1014 implements the National Child Protection Act, shall be \$18 for  
1015 each volunteer name submitted. The state offices of the Public

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1016 Defender may ~~shall~~ not be assessed a fee for Florida criminal  
1017 history information or wanted person information.

1018 (11) A criminal justice agency that is authorized under  
1019 federal rules or law to conduct a criminal history background  
1020 check on an agency employee who is not certified by the Criminal  
1021 Justice Standards and Training Commission under s. 943.12 may  
1022 submit to the department the fingerprints of the noncertified  
1023 employee to obtain state and national criminal history  
1024 information. The fingerprints shall be retained and entered in  
1025 the statewide automated biometric ~~fingerpr~~int identification  
1026 system authorized by s. 943.05 and must ~~shall~~ be available for  
1027 all purposes and uses authorized for arrest fingerprint  
1028 submissions entered in the statewide automated biometric  
1029 ~~fingerpr~~int identification system pursuant to s. 943.051. The  
1030 department shall search all arrest fingerprint submissions  
1031 received pursuant to s. 943.051 against the fingerprints  
1032 retained in the statewide automated biometric ~~fingerpr~~int  
1033 identification system pursuant to this section. In addition to  
1034 all purposes and uses authorized for arrest biometric  
1035 ~~fingerpr~~int submissions for which submitted fingerprints may be  
1036 used, any arrest record that is identified with the retained  
1037 employee fingerprints must be reported to the submitting  
1038 employing agency.

1039 (13) (a) For the department to accept an electronic  
1040 fingerprint submission from:

1041 1. A private vendor engaged in the business of providing  
1042 electronic fingerprint submission; or

1043 2. A private entity or public agency that submits the  
1044 fingerprints of its own employees, volunteers, contractors,

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1045 associates, or applicants for the purpose of conducting a  
1046 required or permitted criminal history background check,  
1047  
1048 the vendor, entity, or agency submitting the fingerprints must  
1049 enter into an agreement with the department which ~~that~~ at a  
1050 minimum obligates the vendor, entity, or agency to comply with  
1051 certain specified standards to ensure that all persons who have  
1052 ~~having~~ direct or indirect responsibility for verifying  
1053 information, taking fingerprints, identifying, and  
1054 electronically submitting fingerprints are qualified to do so.  
1055 The agreement must also ~~and will~~ ensure the integrity and  
1056 security of all personal information gathered from the persons  
1057 whose fingerprints are submitted.

1058 (b) Such standards must ~~shall~~ include, but need not be  
1059 limited to, requirements ~~requiring~~ that:

1060 1. All persons responsible for taking fingerprints and  
1061 collecting personal identifying information from the persons  
1062 being fingerprinted ~~to~~ meet current written state and federal  
1063 guidelines for identity verification and for recording legible  
1064 fingerprints;

1065 2. The department and the Federal Bureau of Investigation's  
1066 technical standards for the electronic submission of  
1067 fingerprints be ~~are~~ satisfied;

1068 3. The fingerprint images electronically submitted satisfy  
1069 the department's and the Federal Bureau of Investigation's  
1070 quality standards; and

1071 4. A person ~~may~~ not take his or her own fingerprints for  
1072 submission to the department.

1073 (c) The requirement for entering into an agreement with the

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1074 department for this purpose does not apply to criminal justice  
1075 agencies as defined in s. 943.045(11) ~~at s. 943.045(10)~~.

1076 (d) The agreement with the department must require the  
1077 vendor, entity, or agency to collect from the person or entity  
1078 on whose behalf the fingerprints are submitted the fees  
1079 prescribed by state and federal law for processing the  
1080 fingerprints for a criminal history check. The agreement must  
1081 provide that such fees be timely remitted to the department by a  
1082 payment mechanism approved by the department. If requested by  
1083 the vendor, entity, or agency, and with the approval of the  
1084 department, such fees may be timely remitted to the department  
1085 by a vendor, entity, or agency upon receipt of an invoice for  
1086 such fees from the department. Failure of a vendor, entity, or  
1087 agency to pay the amount due on a timely basis or as invoiced by  
1088 the department may result in the refusal by the department to  
1089 accept future fingerprint submissions until all fees due and  
1090 owing are paid.

1091 Section 20. Subsection (1) of section 943.054, Florida  
1092 Statutes, is amended to read:

1093 943.054 Exchange of federal criminal history records and  
1094 information.—

1095 (1) Criminal history information derived from any United  
1096 States Department of Justice criminal justice information system  
1097 is available:

1098 (a) To criminal justice agencies for criminal justice  
1099 purposes.

1100 (b) Pursuant to applicable federal laws and regulations,  
1101 including those instituted by the National Crime Prevention and  
1102 Privacy Compact, 42 U.S.C. s. 14616, for use in connection with

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1103 licensing or local or state employment or for such other uses  
1104 only as authorized by federal or state laws which have been  
1105 approved by the United States Attorney General or the Attorney  
1106 General's designee. ~~When no active prosecution of the charge is~~  
1107 ~~known to be pending, arrest data more than 1 year old is not~~  
1108 ~~disseminated unless accompanied by information relating to the~~  
1109 ~~disposition of that arrest.~~

1110 (c) For issuance of press releases and publicity designed  
1111 to effect the apprehension of wanted persons in connection with  
1112 serious or significant offenses.

1113 Section 21. Paragraphs (b) and (c) of subsection (2) of  
1114 section 943.0542, Florida Statutes, are amended to read:

1115 943.0542 Access to criminal history information provided by  
1116 the department to qualified entities.-

1117 (2)

1118 (b) A qualified entity shall submit to the department a  
1119 request for screening an employee or volunteer or person  
1120 applying to be an employee or volunteer by submitting  
1121 fingerprints ~~on a completed fingerprint card, or the request may~~  
1122 ~~be submitted~~ electronically. The qualified entity must maintain  
1123 a signed waiver allowing the release of the state and national  
1124 criminal history record information to the qualified entity.

1125 (c) Each ~~such~~ request must be paid for ~~accompanied~~ by a fee  
1126 for a statewide criminal history check by the department  
1127 established by s. 943.053, plus the amount currently prescribed  
1128 by the Federal Bureau of Investigation for the national criminal  
1129 history check in compliance with the National Child Protection  
1130 Act of 1993, as amended. Payment must be made in the manner  
1131 prescribed by the department by rule.

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1132 Section 22. Subsection (2) of section 943.0544, Florida  
1133 Statutes, is amended to read:

1134 943.0544 Criminal justice information network and  
1135 information management.—

1136 (2) The department may develop, implement, maintain,  
1137 manage, and operate the Criminal Justice Network, which shall be  
1138 an intrastate network for agency ~~intraagency~~ information and  
1139 data-sharing network for use by the state's criminal justice  
1140 agencies. The department, in consultation with the Criminal and  
1141 Juvenile Justice Information Systems Council, shall determine  
1142 and regulate access to the Criminal Justice Network by the  
1143 state's criminal justice agencies.

1144 Section 23. Section 943.055, Florida Statutes, is amended  
1145 to read:

1146 943.055 Records and audit.—

1147 (1) Criminal justice agencies disseminating criminal  
1148 justice information derived from a Department of Law Enforcement  
1149 criminal justice information system shall maintain a record of  
1150 dissemination in accordance with the user agreements in s.

1151 943.0525 ~~with rules adopted by the Department of Law~~  
1152 ~~Enforcement.~~

1153 (2) The Criminal Justice Information Program shall arrange  
1154 for any audits of state and local criminal justice and  
1155 noncriminal justice agencies necessary to assure compliance with  
1156 federal laws and regulations, this chapter, and rules of the  
1157 Department of Law Enforcement pertaining to the establishment,  
1158 operation, security, and maintenance of criminal justice  
1159 information systems.

1160 Section 24. Subsection (2) of section 943.056, Florida



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1161 Statutes, is amended to read:

1162 943.056 Access to, review and challenge of, criminal  
1163 history records.—

1164 (2) Criminal justice agencies subject to chapter 120 shall  
1165 be subject to hearings regarding those portions of criminal  
1166 history records for which the agency served as originator. When  
1167 it is determined what the record should contain in order to be  
1168 complete and accurate, the Criminal Justice Information Program  
1169 shall be advised and shall conform state ~~and federal~~ records to  
1170 the corrected criminal history record information and shall  
1171 request that the federal records be corrected.

1172 Section 25. Paragraphs (b) and (c) of subsection (3),  
1173 subsection (5), and subsection (6) of section 943.0582, Florida  
1174 Statutes, are amended to read:

1175 943.0582 Prearrest, postarrest, or teen court diversion  
1176 program expunction.—

1177 (3) The department shall expunge the nonjudicial arrest  
1178 record of a minor who has successfully completed a prearrest or  
1179 postarrest diversion program if that minor:

1180 (b) Submits the application for prearrest or postarrest  
1181 diversion expunction no later than 12 ~~6~~ months after completion  
1182 of the diversion program.

1183 (c) Submits to the department, with the application, an  
1184 official written statement from the state attorney for the  
1185 county in which the arrest occurred certifying that he or she  
1186 has successfully completed that county's prearrest or postarrest  
1187 diversion program, ~~and~~ and that his or her participation in the  
1188 program was based on an arrest is strictly limited to minors  
1189 arrested for a nonviolent misdemeanor, and that he or she has

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1190 ~~who have~~ not otherwise been charged with or found to have  
1191 committed any criminal offense or comparable ordinance  
1192 violation.

1193 ~~(5) This section operates retroactively to permit the~~  
1194 ~~expunction of any nonjudicial record of the arrest of a minor~~  
1195 ~~who has successfully completed a prearrest or postarrest~~  
1196 ~~diversion program on or after July 1, 2000; however, in the case~~  
1197 ~~of a minor whose completion of the program occurred before the~~  
1198 ~~effective date of this section, the application for prearrest or~~  
1199 ~~postarrest diversion expunction must be submitted within 6~~  
1200 ~~months after the effective date of this section.~~

1201 (5)~~(6)~~ Expunction or sealing granted under this section  
1202 does not prevent the minor who receives such relief from  
1203 petitioning for the expunction or sealing of a later criminal  
1204 history record as provided for in ss. 943.0585 and 943.059, if  
1205 the minor is otherwise eligible under those sections.

1206 Section 26. Subsection (1), paragraph (f) of subsection  
1207 (2), and paragraphs (a) and (c) of subsection (4) of section  
1208 943.0585, Florida Statutes, are amended to read:

1209 943.0585 Court-ordered expunction of criminal history  
1210 records.—The courts of this state have jurisdiction over their  
1211 own procedures, including the maintenance, expunction, and  
1212 correction of judicial records containing criminal history  
1213 information to the extent such procedures are not inconsistent  
1214 with the conditions, responsibilities, and duties established by  
1215 this section. Any court of competent jurisdiction may order a  
1216 criminal justice agency to expunge the criminal history record  
1217 of a minor or an adult who complies with the requirements of  
1218 this section. The court shall not order a criminal justice

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1219 agency to expunge a criminal history record until the person  
1220 seeking to expunge a criminal history record has applied for and  
1221 received a certificate of eligibility for expunction pursuant to  
1222 subsection (2). A criminal history record that relates to a  
1223 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1224 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
1225 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
1226 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
1227 any violation specified as a predicate offense for registration  
1228 as a sexual predator pursuant to s. 775.21, without regard to  
1229 whether that offense alone is sufficient to require such  
1230 registration, or for registration as a sexual offender pursuant  
1231 to s. 943.0435, may not be expunged, without regard to whether  
1232 adjudication was withheld, if the defendant was found guilty of  
1233 or pled guilty or nolo contendere to the offense, or if the  
1234 defendant, as a minor, was found to have committed, or pled  
1235 guilty or nolo contendere to committing, the offense as a  
1236 delinquent act. The court may only order expunction of a  
1237 criminal history record pertaining to one arrest or one incident  
1238 of alleged criminal activity, except as provided in this  
1239 section. The court may, at its sole discretion, order the  
1240 expunction of a criminal history record pertaining to more than  
1241 one arrest if the additional arrests directly relate to the  
1242 original arrest. If the court intends to order the expunction of  
1243 records pertaining to such additional arrests, such intent must  
1244 be specified in the order. A criminal justice agency may not  
1245 expunge any record pertaining to such additional arrests if the  
1246 order to expunge does not articulate the intention of the court  
1247 to expunge a record pertaining to more than one arrest. This

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1248 section does not prevent the court from ordering the expunction  
1249 of only a portion of a criminal history record pertaining to one  
1250 arrest or one incident of alleged criminal activity.

1251 Notwithstanding any law to the contrary, a criminal justice  
1252 agency may comply with laws, court orders, and official requests  
1253 of other jurisdictions relating to expunction, correction, or  
1254 confidential handling of criminal history records or information  
1255 derived therefrom. This section does not confer any right to the  
1256 expunction of any criminal history record, and any request for  
1257 expunction of a criminal history record may be denied at the  
1258 sole discretion of the court.

1259 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each  
1260 petition to a court to expunge a criminal history record is  
1261 complete only when accompanied by:

1262 (a) A valid certificate of eligibility for expunction  
1263 issued by the department pursuant to subsection (2).

1264 (b) The petitioner's sworn statement attesting that the  
1265 petitioner:

1266 1. Has never, before ~~prior to~~ the date on which the  
1267 petition is filed, been adjudicated guilty of a criminal offense  
1268 or comparable ordinance violation, or been adjudicated  
1269 delinquent for committing any felony or a misdemeanor specified  
1270 in s. 943.051(3)(b).

1271 2. Has not been adjudicated guilty of, or adjudicated  
1272 delinquent for committing, any of the acts stemming from the  
1273 arrest or alleged criminal activity to which the petition  
1274 pertains.

1275 3. Has never secured a prior sealing or expunction of a  
1276 criminal history record under this section, former s. 893.14,

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1277 former s. 901.33, ~~or~~ former s. 943.058, or s. 943.059 ~~from any~~  
1278 ~~jurisdiction outside the state,~~ unless expunction is sought of a  
1279 criminal history record previously sealed for 10 years pursuant  
1280 to paragraph (2) (h) and the record is otherwise eligible for  
1281 expunction.

1282 4. Is eligible for such an expunction to the best of his or  
1283 her knowledge or belief and does not have any other petition to  
1284 expunge or any petition to seal pending before any court.

1285  
1286 Any person who knowingly provides false information on such  
1287 sworn statement to the court commits a felony of the third  
1288 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1289 775.084.

1290 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to  
1291 petitioning the court to expunge a criminal history record, a  
1292 person seeking to expunge a criminal history record shall apply  
1293 to the department for a certificate of eligibility for  
1294 expunction. The department shall, by rule adopted pursuant to  
1295 chapter 120, establish procedures pertaining to the application  
1296 for and issuance of certificates of eligibility for expunction.  
1297 A certificate of eligibility for expunction is valid for 12  
1298 months after the date stamped on the certificate when issued by  
1299 the department. After that time, the petitioner must reapply to  
1300 the department for a new certificate of eligibility. Eligibility  
1301 for a renewed certification of eligibility must be based on the  
1302 status of the applicant and the law in effect at the time of the  
1303 renewal application. The department shall issue a certificate of  
1304 eligibility for expunction to a person who is the subject of a  
1305 criminal history record if that person:

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1306 (f) Has never secured a prior sealing or expunction of a  
1307 criminal history record under this section, former s. 893.14,  
1308 former s. 901.33, ~~or~~ former s. 943.058, or s. 943.059 unless  
1309 expunction is sought of a criminal history record previously  
1310 sealed for 10 years pursuant to paragraph (h) and the record is  
1311 otherwise eligible for expunction.

1312 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
1313 criminal history record of a minor or an adult which is ordered  
1314 expunged by a court of competent jurisdiction pursuant to this  
1315 section must be physically destroyed or obliterated by any  
1316 criminal justice agency having custody of such record; except  
1317 that any criminal history record in the custody of the  
1318 department must be retained in all cases. A criminal history  
1319 record ordered expunged that is retained by the department is  
1320 confidential and exempt from the provisions of s. 119.07(1) and  
1321 s. 24(a), Art. I of the State Constitution and not available to  
1322 any person or entity except upon order of a court of competent  
1323 jurisdiction. A criminal justice agency may retain a notation  
1324 indicating compliance with an order to expunge.

1325 (a) The person who is the subject of a criminal history  
1326 record that is expunged under this section or under other  
1327 provisions of law, including former s. 893.14, former s. 901.33,  
1328 and former s. 943.058, may lawfully deny or fail to acknowledge  
1329 the arrests covered by the expunged record, except when the  
1330 subject of the record:

- 1331 1. Is a candidate for employment with a criminal justice  
1332 agency;
- 1333 2. Is a defendant in a criminal prosecution;
- 1334 3. Concurrently or subsequently petitions for relief under

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1335 this section or s. 943.059;

1336 4. Is a candidate for admission to The Florida Bar;

1337 5. Is seeking to be employed or licensed by or to contract  
1338 with the Department of Children and Families ~~Family Services~~,  
1339 the Division of Vocational Rehabilitation within the Department  
1340 of Education, the Agency for Health Care Administration, the  
1341 Agency for Persons with Disabilities, the Department of Health,  
1342 the Department of Elderly Affairs, or the Department of Juvenile  
1343 Justice or to be employed or used by such contractor or licensee  
1344 in a sensitive position having direct contact with children, the  
1345 disabled, or the elderly; or

1346 6. Is seeking to be employed or licensed by the Department  
1347 of Education, any district school board, any university  
1348 laboratory school, any charter school, any private or parochial  
1349 school, or any local governmental entity that licenses child  
1350 care facilities. ~~;~~ ~~or~~

1351 ~~7. Is seeking authorization from a seaport listed in s.~~  
1352 ~~311.09 for employment within or access to one or more of such~~  
1353 ~~seaports pursuant to s. 311.12.~~

1354 (c) Information relating to the existence of an expunged  
1355 criminal history record which is provided in accordance with  
1356 paragraph (a) is confidential and exempt from the provisions of  
1357 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1358 except that the department shall disclose the existence of a  
1359 criminal history record ordered expunged to the entities set  
1360 forth in subparagraphs (a)1., 4., 5., and 6., ~~and~~ 7. for their  
1361 respective licensing, access authorization, and employment  
1362 purposes, and to criminal justice agencies for their respective  
1363 criminal justice purposes. It is unlawful for any employee of an

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1364 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
1365 subparagraph (a)5., or subparagraph (a)6., ~~or subparagraph (a)7.~~  
1366 to disclose information relating to the existence of an expunged  
1367 criminal history record of a person seeking employment, access  
1368 authorization, or licensure with such entity or contractor,  
1369 except to the person to whom the criminal history record relates  
1370 or to persons having direct responsibility for employment,  
1371 access authorization, or licensure decisions. Any person who  
1372 violates this paragraph commits a misdemeanor of the first  
1373 degree, punishable as provided in s. 775.082 or s. 775.083.

1374 Section 27. Subsection (1), paragraph (e) of subsection  
1375 (2), and subsection (4) of section 943.059, Florida Statutes,  
1376 are amended to read:

1377 943.059 Court-ordered sealing of criminal history records.-  
1378 The courts of this state shall continue to have jurisdiction  
1379 over their own procedures, including the maintenance, sealing,  
1380 and correction of judicial records containing criminal history  
1381 information to the extent such procedures are not inconsistent  
1382 with the conditions, responsibilities, and duties established by  
1383 this section. Any court of competent jurisdiction may order a  
1384 criminal justice agency to seal the criminal history record of a  
1385 minor or an adult who complies with the requirements of this  
1386 section. The court shall not order a criminal justice agency to  
1387 seal a criminal history record until the person seeking to seal  
1388 a criminal history record has applied for and received a  
1389 certificate of eligibility for sealing pursuant to subsection  
1390 (2). A criminal history record that relates to a violation of s.  
1391 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
1392 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter



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1393 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
1394 916.1075, a violation enumerated in s. 907.041, or any violation  
1395 specified as a predicate offense for registration as a sexual  
1396 predator pursuant to s. 775.21, without regard to whether that  
1397 offense alone is sufficient to require such registration, or for  
1398 registration as a sexual offender pursuant to s. 943.0435, may  
1399 not be sealed, without regard to whether adjudication was  
1400 withheld, if the defendant was found guilty of or pled guilty or  
1401 nolo contendere to the offense, or if the defendant, as a minor,  
1402 was found to have committed or pled guilty or nolo contendere to  
1403 committing the offense as a delinquent act. The court may only  
1404 order sealing of a criminal history record pertaining to one  
1405 arrest or one incident of alleged criminal activity, except as  
1406 provided in this section. The court may, at its sole discretion,  
1407 order the sealing of a criminal history record pertaining to  
1408 more than one arrest if the additional arrests directly relate  
1409 to the original arrest. If the court intends to order the  
1410 sealing of records pertaining to such additional arrests, such  
1411 intent must be specified in the order. A criminal justice agency  
1412 may not seal any record pertaining to such additional arrests if  
1413 the order to seal does not articulate the intention of the court  
1414 to seal records pertaining to more than one arrest. This section  
1415 does not prevent the court from ordering the sealing of only a  
1416 portion of a criminal history record pertaining to one arrest or  
1417 one incident of alleged criminal activity. Notwithstanding any  
1418 law to the contrary, a criminal justice agency may comply with  
1419 laws, court orders, and official requests of other jurisdictions  
1420 relating to sealing, correction, or confidential handling of  
1421 criminal history records or information derived therefrom. This

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1422 section does not confer any right to the sealing of any criminal  
1423 history record, and any request for sealing a criminal history  
1424 record may be denied at the sole discretion of the court.

1425 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each  
1426 petition to a court to seal a criminal history record is  
1427 complete only when accompanied by:

1428 (a) A valid certificate of eligibility for sealing issued  
1429 by the department pursuant to subsection (2).

1430 (b) The petitioner's sworn statement attesting that the  
1431 petitioner:

1432 1. Has never, prior to the date on which the petition is  
1433 filed, been adjudicated guilty of a criminal offense or  
1434 comparable ordinance violation, or been adjudicated delinquent  
1435 for committing any felony or a misdemeanor specified in s.  
1436 943.051(3)(b).

1437 2. Has not been adjudicated guilty of or adjudicated  
1438 delinquent for committing any of the acts stemming from the  
1439 arrest or alleged criminal activity to which the petition to  
1440 seal pertains.

1441 3. Has never secured a prior sealing or expunction of a  
1442 criminal history record under this section, former s. 893.14,  
1443 former s. 901.33, former s. 943.058, s. 943.0585 ~~or from any~~  
1444 ~~jurisdiction outside the state.~~

1445 4. Is eligible for such a sealing to the best of his or her  
1446 knowledge or belief and does not have any other petition to seal  
1447 or any petition to expunge pending before any court.

1448

1449 Any person who knowingly provides false information on such  
1450 sworn statement to the court commits a felony of the third

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1451 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1452 775.084.

1453 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to  
1454 petitioning the court to seal a criminal history record, a  
1455 person seeking to seal a criminal history record shall apply to  
1456 the department for a certificate of eligibility for sealing. The  
1457 department shall, by rule adopted pursuant to chapter 120,  
1458 establish procedures pertaining to the application for and  
1459 issuance of certificates of eligibility for sealing. A  
1460 certificate of eligibility for sealing is valid for 12 months  
1461 after the date stamped on the certificate when issued by the  
1462 department. After that time, the petitioner must reapply to the  
1463 department for a new certificate of eligibility. Eligibility for  
1464 a renewed certification of eligibility must be based on the  
1465 status of the applicant and the law in effect at the time of the  
1466 renewal application. The department shall issue a certificate of  
1467 eligibility for sealing to a person who is the subject of a  
1468 criminal history record provided that such person:

1469 (e) Has never secured a prior sealing or expunction of a  
1470 criminal history record under this section, former s. 893.14,  
1471 former s. 901.33, ~~or~~ former s. 943.058, or s. 943.0585.

1472 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
1473 history record of a minor or an adult which is ordered sealed by  
1474 a court of competent jurisdiction pursuant to this section is  
1475 confidential and exempt from the provisions of s. 119.07(1) and  
1476 s. 24(a), Art. I of the State Constitution and is available only  
1477 to the person who is the subject of the record, to the subject's  
1478 attorney, to criminal justice agencies for their respective  
1479 criminal justice purposes, which include conducting a criminal

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1480 history background check for approval of firearms purchases or  
 1481 transfers as authorized by state or federal law, to judges in  
 1482 the state courts system for the purpose of assisting them in  
 1483 their case-related decisionmaking responsibilities, as set forth  
 1484 in s. 943.053(5), or to those entities set forth in  
 1485 subparagraphs (a)1., 4., 5., and 6.~~and 8.~~ for their respective  
 1486 licensing, access authorization, and employment purposes.

1487 (a) The subject of a criminal history record sealed under  
 1488 this section or under other provisions of law, including former  
 1489 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
 1490 deny or fail to acknowledge the arrests covered by the sealed  
 1491 record, except when the subject of the record:

- 1492 1. Is a candidate for employment with a criminal justice  
 1493 agency;
- 1494 2. Is a defendant in a criminal prosecution;
- 1495 3. Concurrently or subsequently petitions for relief under  
 1496 this section or s. 943.0585;
- 1497 4. Is a candidate for admission to The Florida Bar;
- 1498 5. Is seeking to be employed or licensed by or to contract  
 1499 with the Department of Children and Families ~~Family Services~~,  
 1500 the Division of Vocational Rehabilitation within the Department  
 1501 of Education, the Agency for Health Care Administration, the  
 1502 Agency for Persons with Disabilities, the Department of Health,  
 1503 the Department of Elderly Affairs, or the Department of Juvenile  
 1504 Justice or to be employed or used by such contractor or licensee  
 1505 in a sensitive position having direct contact with children, the  
 1506 disabled, or the elderly;
- 1507 6. Is seeking to be employed or licensed by the Department  
 1508 of Education, any district school board, any university

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1509 laboratory school, any charter school, any private or parochial  
1510 school, or any local governmental entity that licenses child  
1511 care facilities; or

1512 7. Is attempting to purchase a firearm from a licensed  
1513 importer, licensed manufacturer, or licensed dealer and is  
1514 subject to a criminal history check under state or federal law. +  
1515 ~~or~~

1516 ~~8. Is seeking authorization from a Florida seaport~~  
1517 ~~identified in s. 311.09 for employment within or access to one~~  
1518 ~~or more of such seaports pursuant to s. 311.12.~~

1519 (b) Subject to the exceptions in paragraph (a), a person  
1520 who has been granted a sealing under this section, former s.  
1521 893.14, former s. 901.33, or former s. 943.058 may not be held  
1522 under any provision of law of this state to commit perjury or to  
1523 be otherwise liable for giving a false statement by reason of  
1524 such person's failure to recite or acknowledge a sealed criminal  
1525 history record.

1526 (c) Information relating to the existence of a sealed  
1527 criminal record provided in accordance with the provisions of  
1528 paragraph (a) is confidential and exempt from the provisions of  
1529 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1530 except that the department shall disclose the sealed criminal  
1531 history record to the entities set forth in subparagraphs (a)1.,  
1532 4., 5., and 6., ~~and~~ 8. for their respective licensing, access  
1533 authorization, and employment purposes. It is unlawful for any  
1534 employee of an entity set forth in subparagraph (a)1.,  
1535 subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6. ~~+~~  
1536 ~~or~~ ~~subparagraph (a)8.~~ to disclose information relating to the  
1537 existence of a sealed criminal history record of a person

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1538 seeking employment, access authorization, or licensure with such  
1539 entity or contractor, except to the person to whom the criminal  
1540 history record relates or to persons having direct  
1541 responsibility for employment, access authorization, or  
1542 licensure decisions. Any person who violates the provisions of  
1543 this paragraph commits a misdemeanor of the first degree,  
1544 punishable as provided in s. 775.082 or s. 775.083.

1545 Section 28. Section 943.125, Florida Statutes, is amended  
1546 to read:

1547 943.125 Accreditation of state and local law enforcement  
1548 agencies, correctional facilities, public agency offices of  
1549 inspectors general, and operations offering pretrial diversion  
1550 operations within offices of the state attorneys, the county  
1551 governments, or the sheriffs ~~agency accreditation~~; intent.—

1552 (1) It is the intent of the Legislature that law  
1553 enforcement agencies, correctional facilities, public agency  
1554 offices of inspectors general, and operations offering pretrial  
1555 diversion within offices of the state attorneys, the county  
1556 governments, or the sheriffs in the state be upgraded and  
1557 strengthened through the adoption of meaningful standards of  
1558 operation for those agencies, facilities, and offices and their  
1559 functions.

1560 (2) It is the further intent of the Legislature that these  
1561 ~~law enforcement~~ agencies voluntarily adopt standards designed to  
1562 promote enhanced professionalism for:

1563 (a) Equal and fair law enforcement, to maximize the  
1564 capability of law enforcement agencies to enforce the law and  
1565 prevent and control criminal activities, ~~and to increase~~  
1566 ~~interagency cooperation throughout the state.~~

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1567       (b) Correctional facilities, to maintain best practices for  
1568 the care, custody, and control of inmates.

1569       (c) Public agency offices of inspectors general, to promote  
1570 more effective scrutiny of public agency operations and greater  
1571 accountability of those serving in those agencies.

1572       (d) Operation and management of pretrial diversion programs  
1573 offered by and through the offices of the state attorneys, the  
1574 county governments, or the sheriffs.

1575       (3) It is further the intent of the Legislature to  
1576 encourage the continuation of a voluntary state accreditation  
1577 program to facilitate the enhanced professionalism of the  
1578 agencies, facilities, and offices and their operations ~~Florida~~  
1579 ~~Sheriffs Association and the Florida Police Chiefs Association~~  
1580 ~~to develop, either jointly or separately, a law enforcement~~  
1581 ~~agency accreditation program.~~ Other than the staff support by  
1582 the department as authorized in subsection (5), the  
1583 accreditation program must be independent of any law enforcement  
1584 agency, the Department of Corrections, the Florida Sheriffs  
1585 Association, or the Florida Police Chiefs Association.

1586       (4) The law enforcement accreditation program must address,  
1587 at a minimum, the following aspects of law enforcement:

1588       (a) Vehicle pursuits.

1589       (b) Seizure and forfeiture of contraband articles.

1590       (c) Recording and processing citizens' complaints.

1591       (d) Use of force.

1592       (e) Traffic stops.

1593       (f) Handling natural and manmade disasters.

1594       (g) Special operations.

1595       (h) Prisoner transfer.

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- 1596 (i) Collection and preservation of evidence.  
1597 (j) Recruitment and selection.  
1598 (k) Officer training.  
1599 (l) Performance evaluations.  
1600 (m) Law enforcement disciplinary procedures and rights.  
1601 (n) Use of criminal investigative funds.

1602 (5) Subject to available funding, the department shall  
1603 employ and assign adequate support staff to the Commission for  
1604 Florida Law Enforcement Accreditation, Inc., and the Florida  
1605 Corrections Accreditation Commission in support of the  
1606 accreditation programs.

1607 (6) The Commission for Florida Law Enforcement  
1608 Accreditation shall determine accreditation standards related to  
1609 law enforcement and inspectors general which must be used by the  
1610 accreditation programs established in this section. The Florida  
1611 Corrections Accreditation Commission, Inc., shall determine  
1612 accreditation standards related to corrections functions and  
1613 pretrial diversion programs.

1614 Section 29. Subsection (5) of section 943.13, Florida  
1615 Statutes, is amended to read:

1616 943.13 Officers' minimum qualifications for employment or  
1617 appointment.—On or after October 1, 1984, any person employed or  
1618 appointed as a full-time, part-time, or auxiliary law  
1619 enforcement officer or correctional officer; on or after October  
1620 1, 1986, any person employed as a full-time, part-time, or  
1621 auxiliary correctional probation officer; and on or after  
1622 October 1, 1986, any person employed as a full-time, part-time,  
1623 or auxiliary correctional officer by a private entity under  
1624 contract to the Department of Corrections, to a county



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1625 commission, or to the Department of Management Services shall:

1626 (5) Have documentation of his or her processed fingerprints  
1627 on file with the employing agency or, if a private correctional  
1628 officer, have documentation of his or her processed fingerprints  
1629 on file with the Department of Corrections or the Criminal  
1630 Justice Standards and Training Commission. ~~If administrative~~  
1631 ~~delays are caused by the department or the Federal Bureau of~~  
1632 ~~Investigation and the person has complied with subsections (1)~~  
1633 ~~(4) and (6) (9), he or she may be employed or appointed for a~~  
1634 ~~period not to exceed 1 calendar year from the date he or she was~~  
1635 ~~employed or appointed or until return of the processed~~  
1636 ~~fingerprints documenting noncompliance with subsections (1) (4)~~  
1637 ~~or subsection (7), whichever occurs first. Beginning January 15,~~  
1638 2007, the department shall retain and enter into the statewide  
1639 automated biometric fingerprint identification system authorized  
1640 by s. 943.05 all fingerprints submitted to the department as  
1641 required by this section. Thereafter, the fingerprints must  
1642 ~~shall~~ be available for all purposes and uses authorized for  
1643 arrest fingerprints ~~fingerprint cards~~ entered in the statewide  
1644 automated biometric fingerprint identification system pursuant  
1645 to s. 943.051. The department shall search all arrest  
1646 fingerprints ~~fingerprint cards~~ received pursuant to s. 943.051  
1647 against the fingerprints retained in the statewide automated  
1648 biometric fingerprint identification system pursuant to this  
1649 section and report to the employing agency any arrest records  
1650 that are identified with the retained employee's fingerprints.  
1651 ~~By January 1, 2008, a person who must meet minimum~~  
1652 ~~qualifications as provided in this section and whose~~  
1653 ~~fingerprints are not retained by the department pursuant to this~~

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1654 ~~section must be refingerprinted.~~ These fingerprints shall ~~must~~  
1655 be forwarded to the department for processing and retention.

1656 Section 30. Section 943.132, Florida Statutes, is amended  
1657 to read:

1658 943.132 Implementation of federal law on qualified active  
1659 or retired law enforcement officers carrying concealed firearms  
1660 ~~Law Enforcement Officers Safety Act of 2004.~~—

1661 (1) The commission shall by rule establish the manner in  
1662 which Title 18, 44 U.S.C. ss. 926B and 926C, ~~the federal Law~~  
1663 ~~Enforcement Officers Safety Act of 2004,~~ relating to the  
1664 carrying of concealed firearms by qualified law enforcement  
1665 officers and qualified retired law enforcement officers, as  
1666 defined in the act, shall be implemented in the state. In order  
1667 to facilitate the implementation within the state of Title 18,  
1668 44 U.S.C. ss. 926B and 926C, the commission shall ~~develop and~~  
1669 authorize a uniform firearms proficiency verification card to be  
1670 issued to persons who achieve a passing score on the firing  
1671 range testing component as utilized in the minimum firearms  
1672 proficiency course applicable to active law enforcement  
1673 officers, indicating the person's name and the date upon which  
1674 he or she achieved the passing score. Each such card shall be  
1675 issued only by firearms instructors currently certified by the  
1676 commission.

1677 (2) Facilities operating firing ranges on which firearms  
1678 instructors certified by the commission administer the firing  
1679 range testing component as utilized in the minimum firearms  
1680 proficiency course applicable to active law enforcement officers  
1681 may open the firing range under terms and conditions established  
1682 by the operating entity to other persons for purposes of

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1683 allowing such persons to demonstrate their ability to achieve a  
1684 passing score on the firing range testing component as used  
1685 ~~utilized~~ in the minimum firearms proficiency course. All costs  
1686 associated with the demonstration by any such person that he or  
1687 she meets the requirements of the firing range testing component  
1688 as utilized in the minimum firearms proficiency course shall be  
1689 at the expense of the person being tested.

1690 Section 31. Paragraph (a) of subsection (6) of section  
1691 943.1395, Florida Statutes, is amended to read:

1692 943.1395 Certification for employment or appointment;  
1693 concurrent certification; reemployment or reappointment;  
1694 inactive status; revocation; suspension; investigation.—

1695 (6) The commission shall revoke the certification of any  
1696 officer who is not in compliance with the provisions of s.  
1697 943.13(4) or who intentionally executes a false affidavit  
1698 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

1699 (a) The commission shall cause to be investigated any  
1700 ground for revocation from the employing agency pursuant to s.  
1701 943.139 or from the Governor, and the commission may cause  
1702 ~~investigate~~ verifiable complaints to be investigated. Any  
1703 investigation initiated by the commission pursuant to this  
1704 section must be completed within 6 months after receipt of the  
1705 completed report of the disciplinary or internal affairs  
1706 investigation from the employing agency or Governor's office. A  
1707 verifiable complaint shall be completed within 1 year after  
1708 receipt of the complaint. An investigation shall be considered  
1709 completed upon a finding by a probable cause panel of the  
1710 commission. These time periods shall be tolled during the appeal  
1711 of a termination or other disciplinary action through the

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1712 administrative or judicial process or during the period of any  
1713 criminal prosecution of the officer.

1714 Section 32. Subsection (2), paragraph (a) of subsection  
1715 (3), and subsection (6) of section 943.1755, Florida Statutes,  
1716 are amended to read:

1717 943.1755 Florida Criminal Justice Executive Institute.—

1718 (2) The institute is established within the Department of  
1719 Law Enforcement and affiliated with the State University System.  
1720 The Board of Governors of the State University System shall, in  
1721 cooperation with the Department of Law Enforcement, determine  
1722 the specific placement of the institute within the system. The  
1723 Bureau of Professional Development of the department maintains  
1724 responsibility for delivering and facilitating all Florida  
1725 Criminal Justice Executive Institute training.

1726 (3) The institute shall cooperate with the Criminal Justice  
1727 Standards and Training Commission, and shall be guided and  
1728 directed by a policy board composed of the following members:

1729 (a) The following persons shall serve on the policy board:

1730 1. The executive director of the Department of Law  
1731 Enforcement or his or her designee.

1732 2. The Secretary of Corrections or his or her designee.

1733 3. The Commissioner of Education or his or her designee ~~an~~  
1734 ~~employee of the Department of Education designated by the~~  
1735 ~~Commissioner.~~

1736 4. The Secretary of Juvenile Justice or his or her  
1737 designee.

1738 (6) Seven ~~Six~~ members constitute a quorum of the board.

1739 Section 33. Section 943.1757, Florida Statutes, is amended  
1740 to read:

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1741 943.1757 Criminal justice executives; training; policy  
1742 report.-

1743 (1) The Legislature finds that there exists a need to  
1744 provide training to criminal justice executives in the subject  
1745 of interpersonal skills relating to diverse populations, with an  
1746 emphasis on the awareness of cultural differences.

1747 (2) The policy board of the Criminal Justice Executive  
1748 Institute shall identify the needs of criminal justice  
1749 executives regarding issues related to diverse populations, and  
1750 ensure that such needs are met through appropriate training.  
1751 ~~Beginning January 1, 1995, and every 5 years thereafter, the~~  
1752 ~~policy board shall provide to the appropriate substantive~~  
1753 ~~committees of each house a report describing executive training~~  
1754 ~~needs. In addition,~~ The policy board shall prepare a biennial  
1755 report to the appropriate substantive committees of each house  
1756 describing how these needs are being met through training by the  
1757 Criminal Justice Executive Institute.

1758 Section 34. Subsection (9) of section 943.25, Florida  
1759 Statutes, is amended to read:

1760 943.25 Criminal justice trust funds; source of funds; use  
1761 of funds.-

1762 (9) Up to \$250,000 per annum from the Criminal Justice  
1763 Standards and Training Trust Fund may be used to develop,  
1764 validate, update, and maintain test or assessment instruments  
1765 and to include computer-based testing relating to selection,  
1766 employment, training, or evaluation of officers, instructors, or  
1767 courses. Pursuant to s. 943.12(4), (5), and (8), the commission  
1768 shall adopt those test or assessment instruments that ~~which~~ are  
1769 appropriate and job-related as minimum requirements.

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1770 Section 35. Subsection (14) of section 943.325, Florida  
1771 Statutes, is amended to read:

1772 943.325 DNA database.—

1773 (14) RESULTS.—The results of a DNA analysis and the  
1774 comparison of analytic results shall be released only to  
1775 criminal justice agencies as defined in s. 943.045(11) ~~s.~~  
1776 ~~943.045(10)~~, at the request of the agency. Otherwise, such  
1777 information is confidential and exempt from the provisions of s.  
1778 119.07(1) and s. 24(a), Art. I of the State Constitution.

1779 Section 36. Section 943.33, Florida Statutes, is amended to  
1780 read:

1781 943.33 State-operated criminal analysis laboratories.—The  
1782 state-operated laboratories shall furnish laboratory service  
1783 upon request to law enforcement officials in the state. The  
1784 testing services of such laboratories by persons employed by or  
1785 acting on behalf of the department are ~~shall~~ also be available  
1786 to any defendant in a criminal case upon showing of good cause  
1787 and upon order of the court with jurisdiction in the case. When  
1788 such service is to be made available to the defendant, the order  
1789 shall be issued only after motion by the defendant and hearing  
1790 held after notice with a copy of the motion being served upon  
1791 the prosecutor and the state-operated laboratory from which the  
1792 service is being sought. As used in ~~For purposes of this~~  
1793 section, the term "good cause" means a finding by the court that  
1794 the laboratory service being sought by the defendant is  
1795 anticipated to produce evidence that is relevant and material to  
1796 the defense; ~~that~~ that the service sought is one that ~~which~~ is  
1797 reasonably within the capacity of the state-operated laboratory  
1798 and will not be unduly burdensome upon the laboratory, impede

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1799 normal daily laboratory operations, negatively impact the  
 1800 laboratory's certifications or equipment calibration, and  
 1801 violate the laboratory's national certification or accreditation  
 1802 standards; and that the service cannot be obtained from any  
 1803 qualified private or nonstate operated laboratory within the  
 1804 state or otherwise reasonably available to the defense. This  
 1805 section does not authorize the presence of defense experts or  
 1806 others representing the defense inside a state-operated  
 1807 laboratory facility where actual testing or analysis is  
 1808 occurring, and does not authorize the use of state-operated  
 1809 laboratory equipment or facilities by defense experts or other  
 1810 persons not employed by or acting on the behalf of the  
 1811 department. The court shall assess the costs of all testing,  
 1812 equipment operation, personnel costs, and any other costs  
 1813 directly attributable to the court-ordered testing ~~such service~~  
 1814 ~~ordered by the court~~ to the defendant or the defendant's  
 1815 counsel, whether public, private, or pro bono, who obtained the  
 1816 testing order ~~local public defender's office.~~ The laboratory  
 1817 providing the service ordered shall include with the report of  
 1818 the analysis, comparison, or identification a statement of the  
 1819 costs of the service provided and shall provide a copy of all  
 1820 reports and analysis performed and cost statement being provided  
 1821 to the prosecutor in the case and the court.

1822 Section 37. Subsection (9) of section 943.68, Florida  
 1823 Statutes, is amended to read:

1824 943.68 Transportation and protective services.—

1825 (9) The department shall submit a report each August ~~July~~  
 1826 15 to the Governor, the Legislature, and the Cabinet, detailing  
 1827 all transportation and protective services provided under

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1828 subsections (1), (5), and (6) within the preceding fiscal year.  
1829 Each report shall include a detailed accounting of the cost of  
1830 such transportation and protective services, including the names  
1831 of persons provided such services and the nature of state  
1832 business performed.

1833 Section 38. This act shall take effect July 1, 2013.