

By the Committee on Criminal Justice; and Senator Evers

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1                                   A bill to be entitled  
2           An act relating to law enforcement; amending ss.  
3           125.5801 and 166.0442, F.S.; revising provisions for  
4           criminal history record checks for certain county and  
5           municipal employees and appointees; amending s.  
6           406.145, F.S.; deleting duties of law enforcement  
7           agencies and the department relating to unidentified  
8           person reporting forms; amending s. 538.26, F.S.;  
9           limiting the number of lead-acid batteries or parts  
10          thereof that a secondary metals recycler may purchase  
11          in certain transactions in a single day; amending s.  
12          937.021, F.S.; revising provisions relating to missing  
13          child and adult reports; amending s. 937.024, F.S.;  
14          revising provisions relating to the birth records of  
15          missing children; amending s. 937.025, F.S.; revising  
16          provisions providing criminal penalties for persons  
17          who knowingly provide false information concerning a  
18          missing child; amending s. 937.028, F.S.; revising  
19          provisions relating to fingerprints of missing  
20          persons; authorizing retention of such fingerprints  
21          entered into the statewide biometric identification  
22          system; amending s. 943.03, F.S.; revising terminology  
23          relating to documents and information systems;  
24          deleting an obsolete provision; amending s. 943.031,  
25          F.S.; correcting a reference; revising provisions  
26          relating to meetings of the Florida Violent Crime and  
27          Drug Control Council, the Drug Control Strategy and  
28          Criminal Gang Committee, and the Victim and Witness  
29          Protection Review Committee; making specified

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30 provisions subject to legislative funding; providing  
31 for return of unexpended funds by specified  
32 recipients; amending s. 943.0435, F.S.; specifying  
33 additional items to be reported by persons required to  
34 register as sexual offenders; amending s. 943.04351,  
35 F.S.; revising requirements for searches of  
36 registration information regarding sexual predators  
37 and sexual offenders; amending s. 943.0438, F.S.;  
38 deleting an obsolete provision; amending s. 943.045,  
39 F.S.; defining the term "biometric"; revising the  
40 definition of the term "criminal justice information";  
41 amending s. 943.05, F.S.; revising duties of the  
42 Criminal Justice Information Program; redesignating  
43 the statewide automated fingerprint identification  
44 system as the statewide automated biometric  
45 identification system; amending s. 943.051, F.S.;  
46 requiring additional information to be collected from  
47 persons charged with or convicted of specified  
48 offenses and submitted electronically to the  
49 department; providing an exception to the  
50 fingerprinting of certain juveniles; amending s.  
51 943.052, F.S.; revising terminology relating to  
52 disposition reporting; revising information to be  
53 submitted concerning persons received by or discharged  
54 from the state correctional system or certain  
55 juveniles committed to the Department of Juvenile  
56 Justice; amending s. 943.053, F.S.; revising a  
57 reference to rules governing criminal justice  
58 information received from the Federal Government or

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59 other states; conforming terminology; amending s.  
60 943.054, F.S.; revising provisions relating to the  
61 availability of criminal history information derived  
62 from any United States Department of Justice criminal  
63 justice information system; amending s. 943.0542,  
64 F.S.; revising terminology relating to requests for  
65 screening; authorizing rulemaking relating to payments  
66 for screening; amending s. 943.0544, F.S.; revising  
67 terminology relating to the Criminal Justice Network;  
68 amending s. 943.055, F.S.; revising provisions  
69 relating to dissemination of criminal justice  
70 information derived from department information  
71 systems; providing for audits of noncriminal justice  
72 agencies when necessary to ensure compliance with  
73 requirements; amending s. 943.056, F.S.; providing for  
74 requests for corrections of federal criminal history  
75 record information in certain circumstances; amending  
76 s. 943.0582, F.S.; increasing the period in which a  
77 minor may seek expunction of a nonjudicial arrest  
78 record following completion of a diversion program;  
79 revising language relating to a statement to the  
80 department by a state attorney concerning such an  
81 expunction request; deleting an obsolete provision;  
82 amending ss. 943.0585 and 943.059, F.S.; revising  
83 language relating to expunctions and sealing precluded  
84 by prior criminal history sealings or expunctions;  
85 authorizing persons seeking authorization for  
86 employment with or access to certain seaports to deny  
87 or fail to acknowledge certain expunged or sealed

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88 records; amending s. 943.125, F.S.; providing for  
89 accreditation of correctional facilities, public  
90 agency offices of inspectors general, and certain  
91 pretrial diversion programs; authorizing funding and  
92 support of additional accreditation programs; amending  
93 s. 943.13, F.S.; deleting a provision authorizing  
94 temporary employment of a person seeking employment as  
95 a law enforcement or correctional officer if there is  
96 an administrative delay in fingerprint processing;  
97 deleting obsolete language; amending s. 943.132, F.S.;  
98 revising references to federal qualified active or  
99 qualified retired law enforcement concealed firearms  
100 provisions; deleting a requirement that the Criminal  
101 Justice Standards and Training Commission develop a  
102 uniform firearms proficiency verification card;  
103 amending s. 943.1395, F.S.; revising language relating  
104 to investigations on behalf of the Criminal Justice  
105 Standards and Training Commission; amending s.  
106 943.1755, F.S.; providing that the department  
107 maintains responsibility for delivering and  
108 facilitating all Florida Criminal Justice Executive  
109 Institute training; revising membership of the  
110 institute's policy board; amending s. 943.1757, F.S.;  
111 deleting a requirement for a periodic report by the  
112 Criminal Justice Executive Institute concerning  
113 executive training needs; amending s. 943.25, F.S.;  
114 authorizing, rather than requiring, the Criminal  
115 Justice Standards and Training Commission to forward  
116 to each regional training council a list of its

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117 specific recommended priority issues or items to be  
118 funded; authorizing the commission to use computer-  
119 based testing as an assessment instrument; amending s.  
120 943.325, F.S.; conforming a cross-reference; amending  
121 s. 943.33, F.S.; revising provisions relating to the  
122 availability to defendants of state-operated criminal  
123 analysis laboratories; specifying that defense experts  
124 and others are not authorized to be present in such  
125 laboratories or use laboratory equipment; revising  
126 provisions relating to costs of laboratory testing  
127 performed for defendants; amending s. 943.68, F.S.;  
128 revising the due date of a report detailing  
129 transportation and protective services provided by the  
130 department; amending ss. 285.18, 414.40, 447.045,  
131 455.213, 468.453, 475.615, 493.6105, 493.6108,  
132 494.00312, 494.00321, 494.00611, 517.12, 538.09,  
133 538.25, 548.024, 550.105, 550.908, 551.107, 560.141,  
134 628.906, 633.34, 744.3135, 775.21, 775.261, 790.06,  
135 944.607, 944.608, 985.11, 985.644, 985.4815, 1002.395,  
136 1002.421, 1012.32, and 1012.467, F.S.; conforming  
137 provisions to changes made by the act; providing an  
138 effective date.

139

140 Be It Enacted by the Legislature of the State of Florida:

141

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

144 125.5801 Criminal history record checks for certain county  
145 employees and appointees.—

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

149       (a) Any position of county employment or appointment,  
150 whether paid, unpaid, or contractual, which the governing body  
151 of the county finds is critical to security or public safety;~~;~~  
152 ~~or for~~

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

156       (c) Any private contractor, employee of a private  
157 contractor, vendor, repair person, or delivery person who has  
158 direct contact with individual members of the public or access  
159 to any public facility or publicly operated facility in such a  
160 manner or to such an extent that the governing body of the  
161 county finds that preventing unsuitable persons from having such  
162 contact or access is critical to security or public safety.

163       (2) The ordinance must require each person applying for, or  
164 continuing employment or appointment in, any such position,  
165 applying for initial or continuing licensing or regulation, or  
166 having such contact or access to any such facility to be  
167 fingerprinted. The fingerprints shall be submitted to the  
168 Department of Law Enforcement for a state criminal history  
169 record check and to the Federal Bureau of Investigation for a  
170 national criminal history record check. The information obtained  
171 from the criminal history record checks conducted pursuant to  
172 the ordinance may be used by the county to determine a person's  
173 ~~an applicant's~~ eligibility for such employment or appointment  
174 and to determine a person's ~~an employee's~~ eligibility for

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175 continued employment or appointment. This section is not  
176 intended to preempt or prevent any other background screening,  
177 including, but not limited to, criminal history record checks,  
178 which a county may lawfully undertake.

179 Section 2. Section 166.0442, Florida Statutes, is amended  
180 to read:

181 166.0442 Criminal history record checks for certain  
182 municipal employees and appointees.—

183 (1) Notwithstanding chapter 435, a municipality may  
184 require, by ordinance, state and national criminal history  
185 employment screening for:

186 (a) Any position of municipal employment or appointment,  
187 whether paid, unpaid, or contractual, which the governing body  
188 of the municipality finds is critical to security or public  
189 safety; ~~or for~~

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

193 (c) Any private contractor, employee of a private  
194 contractor, vendor, repair person, or delivery person who has  
195 direct contact with individual members of the public or access  
196 to any public facility or publicly operated facility in such a  
197 manner or to such an extent that the governing body of the  
198 municipality finds that preventing unsuitable persons from  
199 having such contact or access is critical to security or public  
200 safety.

201 (2) The ordinance must require each person applying for, or  
202 continuing employment or appointment in, any such position,  
203 applying for initial or continuing licensing or regulation, or

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204 having such contact or access ~~to any such facility~~ to be  
205 fingerprinted. The fingerprints shall be submitted to the  
206 Department of Law Enforcement for a state criminal history  
207 record check and to the Federal Bureau of Investigation for a  
208 national criminal history record check. The information obtained  
209 from the criminal history record checks conducted pursuant to  
210 the ordinance may be used by the municipality to determine a  
211 person's ~~an applicant's~~ eligibility for such employment or  
212 appointment and to determine a person's ~~an employee's~~  
213 eligibility for continued employment or appointment. This  
214 section is not intended to preempt or prevent any other  
215 background screening, including, but not limited to, criminal  
216 history background checks, that a municipality may lawfully  
217 undertake.

218 Section 3. Section 406.145, Florida Statutes, is amended to  
219 read:

220 406.145 Unidentified persons; reporting requirements.—When  
221 an unidentified body is transported to a district medical  
222 examiner pursuant to this chapter, the medical examiner shall  
223 immediately report receipt of such body to the appropriate law  
224 enforcement agency, provided such law enforcement agency was not  
225 responsible for transportation of the body to the medical  
226 examiner. If the medical examiner cannot determine the law  
227 enforcement agency having jurisdiction, he or she shall notify  
228 the sheriff of the county in which the medical examiner is  
229 located, who shall determine the law enforcement agency  
230 responsible for the identification. It is the duty of the law  
231 enforcement officer assigned to and investigating the death to  
232 immediately establish the identity of the body. If the body is



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

242 Section 4. Paragraph (b) of subsection (5) of section  
243 538.26, Florida Statutes, is amended to read:

244 538.26 Certain acts and practices prohibited.—It is  
245 unlawful for a secondary metals recycler to do or allow any of  
246 the following acts:

247 (5)

248 (b) The purchase of any of the following regulated metals  
249 property is subject to the restrictions provided in paragraph  
250 (a):

251 1. A manhole cover.

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

255 3. A guard rail.

256 4. A street sign, traffic sign, or traffic signal and its  
257 fixtures and hardware.

258 5. Communication, transmission, distribution, and service  
259 wire from a utility, including copper or aluminum bus bars,  
260 connectors, grounding plates, or grounding wire.

261 6. A funeral marker or funeral vase.

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- 262           7. A historical marker.
- 263           8. Railroad equipment, including, but not limited to, a tie  
264 plate, signal house, control box, switch plate, E clip, or rail  
265 tie junction.
- 266           9. Any metal item that is observably marked upon reasonable  
267 inspection with any form of the name, initials, or logo of a  
268 governmental entity, utility company, cemetery, or railroad.
- 269           10. A copper, aluminum, or aluminum-copper condensing or  
270 evaporator coil, including its tubing or rods, from an air-  
271 conditioning or heating unit, excluding coils from window air-  
272 conditioning or heating units and motor vehicle air-conditioning  
273 or heating units.
- 274           11. An aluminum or stainless steel container or bottle  
275 designed to hold propane for fueling forklifts.
- 276           12. A stainless steel beer keg.
- 277           13. A catalytic converter or any nonferrous part of a  
278 catalytic converter unless purchased as part of a motor vehicle.
- 279           14. Metallic wire that has been burned in whole or in part  
280 to remove insulation.
- 281           15. A brass or bronze commercial valve or fitting, referred  
282 to as a "fire department connection and control valve" or an  
283 "FDC valve," that is commonly used on structures for access to  
284 water for the purpose of extinguishing fires.
- 285           16. A brass or bronze commercial potable water backflow  
286 preventer valve that is commonly used to prevent backflow of  
287 potable water from commercial structures into municipal domestic  
288 water service systems.
- 289           17. A shopping cart.
- 290           18. A brass water meter.

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291 19. A storm grate.

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

293 21. More than two lead-acid batteries, or any part or  
294 component thereof, in a single purchase or from the same  
295 individual in a single day.

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

298 937.021 Missing child and missing adult reports.-

299 (5)

300 (b) Upon receiving a request to record, report, transmit,  
301 display, or release information and photographs pertaining to a  
302 missing adult or missing child from the law enforcement agency  
303 having jurisdiction over the missing adult or missing child, the  
304 department, a state or local law enforcement agency, and the  
305 personnel of these agencies; any radio or television network,  
306 broadcaster, or other media representative; any dealer of  
307 communications services as defined in s. 202.11; or any agency,  
308 employee, individual, or person is immune from civil liability  
309 for damages for complying in good faith with the request to  
310 provide information and is presumed to have acted in good faith  
311 in recording, reporting, transmitting, displaying, or releasing  
312 information or photographs pertaining to the missing adult or  
313 missing child.

314 (d) The presumption of good faith is not overcome if a  
315 technical or clerical error is made by any agency, employee,  
316 individual, or entity acting at the request of the local law  
317 enforcement agency having jurisdiction, or if the Amber Alert,  
318 Missing Child Alert, missing child information, missing adult  
319 information, or Silver Alert information is incomplete or

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320 incorrect because the information received from the local law  
321 enforcement agency was incomplete or incorrect.

322 (e) Neither this subsection nor any other provision of law  
323 creates a duty of the agency, employee, individual, or entity to  
324 record, report, transmit, display, or release the Amber Alert,  
325 Missing Child Alert, missing child information, missing adult  
326 information, or Silver Alert information received from the local  
327 law enforcement agency having jurisdiction. The decision to  
328 record, report, transmit, display, or release information is  
329 discretionary with the agency, employee, individual, or entity  
330 receiving the information.

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

334 937.024 Birth records of missing children; registrars'  
335 duties.—

336 (1) The Office of Vital Statistics shall:

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

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

346 (2) (a) A copy of the birth certificate or information  
347 concerning the birth record of any child whose record has been  
348 flagged ~~or recalled~~ pursuant to paragraph (1) (c) ~~or paragraph~~

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349 ~~(1)(d)~~ may not be provided by the State Registrar or any local  
350 registrar in response to any inquiry, unless the flag has been  
351 removed pursuant to paragraph (1)(d) or upon the official  
352 request of the Department of Law Enforcement's Missing  
353 Endangered Persons Information Clearinghouse ~~(1)(e)~~.

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

356 937.025 Missing children; student records; reporting  
357 requirements; penalties.—

358 (7) A person who knowingly provides false information  
359 concerning a missing child or the efforts to locate and return a  
360 missing child whose ~~to a~~ parent, family member, or guardian ~~of a~~  
361 ~~child who has been~~ reported the child missing commits a  
362 misdemeanor of the first degree, punishable as provided in s.  
363 775.082 or s. 775.083.

364 Section 8. Section 937.028, Florida Statutes, is amended to  
365 read:

366 937.028 Fingerprints; missing persons ~~children~~.—

367 (1) If fingerprints have been taken for the purpose of  
368 identifying a child, in the event that child becomes missing,  
369 the state agency, public or private organization, or other  
370 person who took such fingerprints shall not release the  
371 fingerprints to any law enforcement agency or other person for  
372 any purpose other than the identification of a missing child.  
373 Such records and data are exempt from ~~the provisions of~~ s.  
374 119.07(1).

375 (2) Fingerprints of children taken and retained by any  
376 state agency other than the Department of Law Enforcement, any  
377 public or private organization, or other person, excluding the

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378 parent or legal custodian of the child, shall be destroyed when  
379 the child attains ~~becomes~~ 18 years of age. Fingerprints of  
380 persons, including children, who are reported missing that have  
381 been entered into the automated biometric identification system  
382 maintained by the Department of Law Enforcement may be retained  
383 until the department is notified that the missing person has  
384 been recovered.

385 Section 9. Paragraph (a) of subsection (6) and subsections  
386 (12), (13), and (15) of section 943.03, Florida Statutes, are  
387 amended to read:

388 943.03 Department of Law Enforcement.—

389 (6) (a) The department shall be governed by all laws  
390 regulating the purchase of supplies and equipment as other state  
391 agencies and may enter into contracts with other state agencies  
392 to make photographs and photocopies ~~photostats~~, to transmit  
393 information electronically ~~by teletype~~, and to perform all those  
394 services consonant with the purpose of this chapter.

395 (12) The department may establish, implement, and maintain  
396 a statewide, integrated ~~violent~~ crime information system capable  
397 of transmitting criminal justice information relating to ~~violent~~  
398 criminal offenses to and between criminal justice agencies  
399 throughout the state.

400 (13) Subject to sufficient annual appropriations, the  
401 department shall develop and maintain, in consultation with the  
402 Criminal and Juvenile Justice Information Systems Council under  
403 s. 943.08, an information system that supports the  
404 administration of the state's criminal and juvenile justice  
405 information sharing system ~~system~~ in compliance with this chapter and  
406 other provisions of law. The department shall serve as custodial

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407 manager of the Criminal Justice ~~statewide telecommunications and~~  
408 ~~data~~ Network developed and maintained as part of the information  
409 system authorized by this subsection.

410 (15) The Department of Law Enforcement, in consultation  
411 with the Criminal and Juvenile Justice Information Systems  
412 Council established in s. 943.06, shall modify the existing  
413 statewide uniform statute table in its criminal history system  
414 to meet the business requirements of state and local criminal  
415 justice and law enforcement agencies. In order to accomplish  
416 this objective, the department shall:

417 (a) Define the minimum business requirements necessary for  
418 successful implementation.

419 (b) Consider the charging and booking requirements of  
420 sheriffs' offices and police departments and the business  
421 requirements of state attorneys, public defenders, criminal  
422 conflict and civil regional counsel, clerks of court, judges,  
423 and state law enforcement agencies.

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

427  
428 ~~The required system modifications and adopted rules shall be~~  
429 ~~implemented by December 31, 2012.~~

430 Section 10. Paragraph (c) of subsection (2), subsections  
431 (4) and (5), paragraphs (b) and (c) of subsection (6), and  
432 paragraphs (a), (b), and (e) of subsection (8) of section  
433 943.031, Florida Statutes, are amended to read:

434 943.031 Florida Violent Crime and Drug Control Council.—

435 (2) MEMBERSHIP.—The council shall consist of 14 members, as

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436 follows:

437 (c) The Secretary of ~~the Department of~~ Corrections or a  
438 designate.

439

440 The Governor, when making appointments under this subsection,  
441 must take into consideration representation by geography,  
442 population, ethnicity, and other relevant factors to ensure that  
443 the membership of the council is representative of the state at  
444 large. Designates appearing on behalf of a council member who is  
445 unable to attend a meeting of the council are empowered to vote  
446 on issues before the council to the same extent the designating  
447 council member is so empowered.

448 (4) MEETINGS.—The council must meet at least annually  
449 ~~semiannually~~. Additional meetings may be held when ~~it is~~  
450 determined by the department and the chair ~~that extraordinary~~  
451 ~~circumstances require an additional meeting of the council~~. A  
452 majority of the members of the council constitutes a quorum.  
453 Council meetings may be conducted by conference call,  
454 teleconferencing, or similar technology.

455 (5) DUTIES OF COUNCIL.—Subject to funding provided to the  
456 department by the Legislature, the council shall provide advice  
457 and make recommendations, as necessary, to the executive  
458 director of the department.

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

462 1. Establishing a program that provides grants to criminal  
463 justice agencies that develop and implement effective violent  
464 crime prevention and investigative programs and which provides



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465 grants to law enforcement agencies for the purpose of drug  
466 control, criminal gang, and illicit money laundering  
467 investigative efforts or task force efforts that are determined  
468 by the council to significantly contribute to achieving the  
469 state's goal of reducing drug-related crime, that represent  
470 significant criminal gang investigative efforts, that represent  
471 a significant illicit money laundering investigative effort, or  
472 that otherwise significantly support statewide strategies  
473 developed by the Statewide Drug Policy Advisory Council  
474 established under s. 397.333, subject to the limitations  
475 provided in this section. The grant program may include an  
476 innovations grant program to provide startup funding for new  
477 initiatives by local and state law enforcement agencies to  
478 combat violent crime or to implement drug control, criminal  
479 gang, or illicit money laundering investigative efforts or task  
480 force efforts by law enforcement agencies, including, but not  
481 limited to, initiatives such as:

- 482       a. Providing enhanced community-oriented policing.
- 483       b. Providing additional undercover officers and other  
484 investigative officers to assist with violent crime  
485 investigations in emergency situations.
- 486       c. Providing funding for multiagency or statewide drug  
487 control, criminal gang, or illicit money laundering  
488 investigative efforts or task force efforts that cannot be  
489 reasonably funded completely by alternative sources and that  
490 significantly contribute to achieving the state's goal of  
491 reducing drug-related crime, that represent significant criminal  
492 gang investigative efforts, that represent a significant illicit  
493 money laundering investigative effort, or that otherwise

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494 significantly support statewide strategies developed by the  
495 Statewide Drug Policy Advisory Council established under s.  
496 397.333.

497 2. Expanding the use of automated biometric ~~fingerprint~~  
498 identification systems at the state and local levels ~~level~~.

499 3. Identifying methods to prevent violent crime.

500 4. Identifying methods to enhance multiagency or statewide  
501 drug control, criminal gang, or illicit money laundering  
502 investigative efforts or task force efforts that significantly  
503 contribute to achieving the state's goal of reducing drug-  
504 related crime, that represent significant criminal gang  
505 investigative efforts, that represent a significant illicit  
506 money laundering investigative effort, or that otherwise  
507 significantly support statewide strategies developed by the  
508 Statewide Drug Policy Advisory Council established under s.  
509 397.333.

510 5. Enhancing criminal justice training programs that  
511 address violent crime, drug control, illicit money laundering  
512 investigative techniques, or efforts to control and eliminate  
513 criminal gangs.

514 6. Developing and promoting crime prevention services and  
515 educational programs that serve the public, including, but not  
516 limited to:

517 a. Enhanced victim and witness counseling services that  
518 also provide crisis intervention, information referral,  
519 transportation, and emergency financial assistance.

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

522 7. Enhancing information sharing and assistance in the

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523 criminal justice community by expanding the use of community  
524 partnerships and community policing programs. Such expansion may  
525 include the use of civilian employees or volunteers to relieve  
526 law enforcement officers of clerical work in order to enable the  
527 officers to concentrate on street visibility within the  
528 community.

529 (b) The full council shall:

530 1. Receive periodic reports from regional violent crime  
531 investigation and statewide drug control strategy implementation  
532 coordinating teams which relate to violent crime trends or the  
533 investigative needs or successes in the regions, including  
534 discussions regarding the activity of significant criminal gangs  
535 in the region, factors, and trends relevant to the  
536 implementation of the statewide drug strategy, and the results  
537 of drug control and illicit money laundering investigative  
538 efforts funded in part by the council.

539 2. Maintain and use criteria for the disbursement of funds  
540 from the Violent Crime Investigative Emergency and Drug Control  
541 Strategy Implementation Account or any other account from which  
542 the council may disburse proactive investigative funds as may be  
543 established within the Department of Law Enforcement Operating  
544 Trust Fund or other appropriations provided to the Department of  
545 Law Enforcement by the Legislature in the General Appropriations  
546 Act. The criteria shall allow for the advancement of funds to  
547 reimburse agencies regarding violent crime investigations as  
548 approved by the full council and the advancement of funds to  
549 implement proactive drug control strategies or significant  
550 criminal gang investigative efforts as authorized by the Drug  
551 Control Strategy and Criminal Gang Committee or the Victim and

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552 Witness Protection Review Committee. Regarding violent crime  
553 investigation reimbursement, an expedited approval procedure  
554 shall be established for rapid disbursement of funds in violent  
555 crime emergency situations.

556 (c) As used in this section, "significant criminal gang  
557 investigative efforts" eligible for proactive funding must  
558 involve at a minimum an effort against a known criminal gang  
559 that:

560 1. Involves multiple law enforcement agencies.

561 2. Reflects a dedicated significant investigative effort on  
562 the part of each participating agency in personnel, time devoted  
563 to the investigation, and agency resources dedicated to the  
564 effort.

565 3. Reflects a dedicated commitment by a prosecuting  
566 authority to ensure that cases developed by the investigation  
567 will be timely and effectively prosecuted.

568 4. Demonstrates a strategy and commitment to dismantling  
569 the criminal gang via seizures of assets, significant money  
570 laundering and organized crime investigations and prosecutions,  
571 or similar efforts.

572  
573 The council may require satisfaction of additional elements, to  
574 include reporting criminal investigative and criminal  
575 intelligence information related to criminal gang activity and  
576 members in a manner required by the department, as a  
577 prerequisite for receiving proactive criminal gang funding.

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

579 (b) Subject to funding provided to the department by the  
580 Legislature, the committee shall review and approve all requests

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581 for disbursement of funds from the Violent Crime Investigative  
582 Emergency and Drug Control Strategy Implementation Account  
583 within the Department of Law Enforcement Operating Trust Fund  
584 and from other appropriations provided to the department by the  
585 Legislature in the General Appropriations Act. An expedited  
586 approval procedure shall be established for rapid disbursement  
587 of funds in violent crime emergency situations. Committee  
588 meetings may be conducted by conference call, teleconferencing,  
589 or similar technology.

590 (c) Those receiving any proactive funding provided by the  
591 council through the committee shall ~~be required to~~ report the  
592 results of the investigations to the council once the  
593 investigation has been completed. The committee shall also  
594 require ongoing status reports on ongoing investigations using  
595 such findings in its closed sessions and may require a recipient  
596 to return all or any portion of unexpended proactive funds to  
597 the council.

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

599 (a) The Victim and Witness Protection Review Committee is  
600 created within the Florida Violent Crime and Drug Control  
601 Council, consisting of the statewide prosecutor or a state  
602 attorney, a sheriff, a chief of police, and the designee of the  
603 executive director of the Department of Law Enforcement. The  
604 committee shall be appointed from the membership of the council  
605 by the chair of the council after the chair has consulted with  
606 the executive director of the Department of Law Enforcement.  
607 Committee members shall meet in conjunction with the meetings of  
608 the council or at other times as required by the department and  
609 the chair. The committee meetings may be conducted by conference

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610 call, teleconferencing, or similar technology.

611 (b) Subject to funding provided to the department by the  
612 Legislature, the committee shall:

613 1. Maintain and use criteria for disbursing funds to  
614 reimburse law enforcement agencies for costs associated with  
615 providing victim and witness temporary protective or temporary  
616 relocation services.

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

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

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

627 943.0435 Sexual offenders required to register with the  
628 department; penalty.—

629 (2) A sexual offender shall:

630 (b) Provide his or her name; date of birth; social security  
631 number; race; sex; height; weight; hair and eye color; tattoos  
632 or other identifying marks; fingerprints; photograph; occupation  
633 and place of employment; address of permanent or legal residence  
634 or address of any current temporary residence, within the state  
635 or out of state, including a rural route address and a post  
636 office box; if no permanent or temporary address, any transient  
637 residence within the state, address, location or description,  
638 and dates of any current or known future temporary residence

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639 within the state or out of state; home telephone number and any  
640 cellular telephone number; any electronic mail address and any  
641 instant message name required to be provided pursuant to  
642 paragraph (4) (d); date and place of each conviction; and a brief  
643 description of the crime or crimes committed by the offender. A  
644 post office box shall not be provided in lieu of a physical  
645 residential address.

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

660 2. If the sexual offender is enrolled, employed, or  
661 carrying on a vocation at an institution of higher education in  
662 this state, the sexual offender shall also provide to the  
663 department through the sheriff's office the name, address, and  
664 county of each institution, including each campus attended, and  
665 the sexual offender's enrollment or employment status. Each  
666 change in enrollment or employment status shall be reported in  
667 person at the sheriff's office, within 48 hours after any change

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668 in status. The sheriff shall promptly notify each institution of  
669 the sexual offender's presence and any change in the sexual  
670 offender's enrollment or employment status.

671  
672 When a sexual offender reports at the sheriff's office, the  
673 sheriff shall take a photograph and a set of fingerprints of the  
674 offender and forward the photographs and fingerprints to the  
675 department, along with the information provided by the sexual  
676 offender. The sheriff shall promptly provide to the department  
677 the information received from the sexual offender.

678 (4)

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

686 Section 12. Section 943.04351, Florida Statutes, is amended  
687 to read:

688 943.04351 Search of registration information regarding  
689 sexual predators and sexual offenders required before ~~prior to~~  
690 appointment or employment.—A state agency or governmental  
691 subdivision, before ~~prior to~~ making any decision to appoint or  
692 employ a person to work, whether for compensation or as a  
693 volunteer, at any park, playground, day care center, or other  
694 place where children regularly congregate, must conduct a search  
695 of that person's name or other identifying information against  
696 the registration information regarding sexual predators and



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697 sexual offenders through the Dru Sjodin National Sexual Offender  
698 Public Website maintained by the United States Department of  
699 Justice. If for any reason that site is not available, a search  
700 of the registration information regarding sexual predators and  
701 sexual offenders maintained by the Department of Law Enforcement  
702 under s. 943.043 shall be performed. ~~The agency or governmental~~  
703 ~~subdivision may conduct the search using the Internet site~~  
704 ~~maintained by the Department of Law Enforcement.~~ This section  
705 does not apply to those positions or appointments within a state  
706 agency or governmental subdivision for which a state and  
707 national criminal history background check is conducted.

708 Section 13. Paragraph (a) of subsection (2) of section  
709 943.0438, Florida Statutes, is amended to read:

710 943.0438 Athletic coaches for independent sanctioning  
711 authorities.-

712 (2) An independent sanctioning authority shall:

713 (a)1. Conduct a background screening of each current and  
714 prospective athletic coach. No person shall be authorized by the  
715 independent sanctioning authority to act as an athletic coach  
716 ~~after July 1, 2010,~~ unless a background screening has been  
717 conducted and did not result in disqualification under paragraph  
718 (b). Background screenings shall be conducted annually for each  
719 athletic coach. For purposes of this section, a background  
720 screening shall be conducted with a search of the athletic  
721 coach's name or other identifying information against state and  
722 federal registries of sexual predators and sexual offenders,  
723 which are available to the public on Internet sites provided by:

- 724 a. The Department of Law Enforcement under s. 943.043; and  
725 b. The Attorney General of the United States under 42

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726 U.S.C. s. 16920.

727 2. For purposes of this section, a background screening  
728 conducted by a commercial consumer reporting agency in  
729 compliance with the federal Fair Credit Reporting Act using the  
730 identifying information referenced in subparagraph 1. and that  
731 includes searching that information against the sexual predator  
732 and sexual offender Internet sites listed in sub-subparagraphs  
733 1.a. and b. shall be deemed in compliance with the requirements  
734 of this section.

735 Section 14. Section 943.045, Florida Statutes, is amended  
736 to read:

737 943.045 Definitions; ss. 943.045-943.08.—The following  
738 words and phrases as used in ss. 943.045-943.08 shall have the  
739 following meanings:

740 (13)~~(1)~~ "Criminal justice information system" means a  
741 system, including the equipment, facilities, procedures,  
742 agreements, and organizations thereof, for the collection,  
743 processing, preservation, or dissemination of criminal justice  
744 information.

745 (2) "Administration of criminal justice" means performing  
746 functions of detection, apprehension, detention, pretrial  
747 release, posttrial release, prosecution, adjudication,  
748 correctional supervision, or rehabilitation of accused persons  
749 or criminal offenders by governmental agencies. The  
750 administration of criminal justice includes criminal  
751 identification activities and the collection, processing,  
752 storage, and dissemination of criminal justice information by  
753 governmental agencies.

754 (3) "Biometric" refers to impressions, reproductions, or

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755 representations of human physical characteristics, such as DNA,  
756 fingerprints, palm prints, footprints, retina and iris images,  
757 voice patterns, and facial images, such as booking and driver  
758 license photographs, that, when measured and analyzed, can be  
759 used for identification purposes.

760 (12)~~(3)~~ "Criminal justice information" means information on  
761 individuals collected or disseminated as a result of arrest,  
762 detention, or the initiation of a criminal proceeding by  
763 criminal justice agencies, including arrest record information,  
764 correctional and release information, criminal history record  
765 information, conviction record information, offender  
766 registration information, identification record information, and  
767 wanted persons record information. The term does ~~shall~~ not  
768 include statistical or analytical records or reports in which  
769 individuals are not identified and from which their identities  
770 are not ascertainable. The term does ~~shall~~ not include criminal  
771 intelligence information or criminal investigative information.

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

780 (7)~~(5)~~ "Criminal intelligence information" means  
781 information collected by a criminal justice agency with respect  
782 to an identifiable person or group in an effort to anticipate,  
783 prevent, or monitor possible criminal activity.

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784        (9)~~(6)~~ "Criminal investigative information" means  
785 information about an identifiable person or group~~r~~, compiled by a  
786 criminal justice agency in the course of conducting a criminal  
787 investigation of a specific criminal act or omission, including,  
788 but not limited to, information derived from laboratory tests,  
789 reports of investigators, informants, or any type of  
790 surveillance.

791        (17)~~(7)~~ "Record" means any and all documents, writings,  
792 computer memory, and microfilm, and any other form in which  
793 facts are memorialized, irrespective of whether such record is  
794 an official record, public record, or admissible record or is  
795 merely a copy thereof.

796        (4)~~(8)~~ "Comparable ordinance violation" means a violation  
797 of an ordinance having all the essential elements of a statutory  
798 misdemeanor or felony.

799        (14)~~(9)~~ "Disposition" means details relating to the  
800 termination of an individual criminal defendant's relationship  
801 with a criminal justice agency, including information disclosing  
802 that the law enforcement agency has elected not to refer a  
803 matter to a prosecutor or that a prosecutor has elected not to  
804 commence criminal proceedings, that a court has dealt with the  
805 individual, or that the individual has been incarcerated,  
806 paroled, pardoned, released, or granted clemency. Dispositions  
807 include, but are not limited to, acquittals, dismissals, pleas,  
808 convictions, adjudications, youthful offender determinations,  
809 determinations of mental capacity, placements in intervention  
810 programs, pardons, probations, paroles, and releases from  
811 correctional institutions.

812        (11)~~(10)~~ "Criminal justice agency" means:

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813 (a) A court.

814 (b) The department.

815 (c) The Department of Juvenile Justice.

816 (d) The protective investigations component of the  
817 Department of Children and Families ~~Family Services~~, which  
818 investigates the crimes of abuse and neglect.

819 (e) Any other governmental agency or subunit thereof that  
820 ~~which~~ performs the administration of criminal justice pursuant  
821 to a statute or rule of court and that ~~which~~ allocates a  
822 substantial part of its annual budget to the administration of  
823 criminal justice.

824 ~~(15)-(11)~~ "Disseminate ~~Dissemination~~" means to transmit ~~the~~  
825 ~~transmission of~~ information, whether orally or in writing.

826 ~~(18)-(12)~~ "Research or statistical project" means any  
827 program, project, or component the purpose of which is to  
828 develop, measure, evaluate, or otherwise advance the state of  
829 knowledge in a particular area. The term does not include  
830 intelligence, investigative, or other information-gathering  
831 activities in which information is obtained for purposes  
832 directly related to enforcement of the criminal laws.

833 ~~(16)-(13)~~ "Expunction of a criminal history record" means  
834 the court-ordered physical destruction or obliteration of a  
835 record or portion of a record by any criminal justice agency  
836 having custody thereof, or as prescribed by the court issuing  
837 the order, except that criminal history records in the custody  
838 of the department must be retained in all cases for purposes of  
839 evaluating subsequent requests by the subject of the record for  
840 sealing or expunction, or for purposes of recreating the record  
841 in the event an order to expunge is vacated by a court of

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842 competent jurisdiction.

843 (19)~~(14)~~ "Sealing of a criminal history record" means the  
844 preservation of a record under such circumstances that it is  
845 secure and inaccessible to any person not having a legal right  
846 of access to the record or the information contained and  
847 preserved therein.

848 (1)~~(15)~~ "Adjudicated guilty" means that a person has been  
849 found guilty and that the court has not withheld an adjudication  
850 of guilt.

851 (8)~~(16)~~ "Criminal intelligence information system" means a  
852 system, including the equipment, facilities, procedures,  
853 agreements ~~agreement~~, and organizations thereof, for the  
854 collection, processing, preservation, or dissemination of  
855 criminal intelligence information.

856 (10)~~(17)~~ "Criminal investigative information system" means  
857 a system, including the equipment, facilities, procedures,  
858 agreements, and organizations thereof, for the collection,  
859 processing, preservation, or dissemination of criminal  
860 investigative information.

861 (6)~~(18)~~ "Criminal history record" means any nonjudicial  
862 record maintained by a criminal justice agency containing  
863 criminal history information.

864 Section 15. Paragraphs (b), (c), (d), (e), (g), and (h) of  
865 subsection (2) and subsection (3) of section 943.05, Florida  
866 Statutes, are amended, and subsection (4) of that section is  
867 reenacted, to read:

868 943.05 Criminal Justice Information Program; duties; crime  
869 reports.—

870 (2) The program shall:

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871 (b) Establish, implement, and maintain a statewide  
872 automated biometric ~~fingerprint~~ identification system capable  
873 of, but not limited to, reading, classifying, matching, and  
874 storing fingerprints, rolled fingerprints, ~~and~~ latent  
875 fingerprints, palm prints, and facial images. Information  
876 contained within the system shall be available to every criminal  
877 justice agency that is responsible for the administration of  
878 criminal justice.

879 (c) Initiate a crime information system that shall be  
880 responsible for:

881 1. Preparing and disseminating semiannual reports to the  
882 Governor, the Legislature, all criminal justice agencies, and,  
883 upon request, the public. Each report shall include, but not be  
884 limited to, types of crime reported, offenders, arrests, and  
885 victims.

886 2. Upon request, providing other states and federal  
887 criminal justice agencies with Florida crime data. ~~Where~~  
888 ~~convenient, such data shall conform to definitions established~~  
889 ~~by the requesting agencies.~~

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

892 (d) Adopt rules to effectively and efficiently implement,  
893 administer, manage, maintain, and use the automated biometric  
894 ~~fingerprint~~ identification system and uniform offense reports  
895 and arrest reports. The rules shall be considered minimum  
896 requirements and shall not preclude a criminal justice agency  
897 from implementing its own enhancements. However, rules and forms  
898 prescribing uniform arrest or probable cause affidavits and  
899 alcohol influence reports to be used by all law enforcement

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900 agencies in making DUI arrests under s. 316.193 shall be  
901 adopted, and ~~shall be~~ used by all law enforcement agencies in  
902 this state. ~~The rules and forms prescribing such uniform~~  
903 ~~affidavits and reports shall be adopted and implemented by July~~  
904 ~~1, 2004.~~ Failure to use these uniform affidavits and reports,  
905 however, shall not prohibit prosecution under s. 316.193.

906 (e) Establish, implement, and maintain a Domestic and  
907 Repeat Violence Injunction Statewide Verification System capable  
908 of electronically transmitting information to and between  
909 criminal justice agencies relating to domestic violence  
910 injunctions, injunctions to prevent child abuse issued under  
911 chapter 39, and repeat violence injunctions issued by the courts  
912 throughout the state. Such information must include, but is not  
913 limited to, information as to the existence and status of any  
914 such injunction for verification purposes.

915 (g) Upon official written request, and subject to the  
916 department having sufficient funds and equipment to participate  
917 in such a request, from the agency executive director or  
918 secretary or from his or her designee, or from qualified  
919 entities participating in the volunteer and employee criminal  
920 history screening system under s. 943.0542, or as otherwise  
921 required by law, retain fingerprints submitted by criminal and  
922 noncriminal justice agencies to the department for a criminal  
923 history background screening as provided by rule and enter the  
924 fingerprints in the statewide automated biometric fingerprint  
925 identification system authorized by paragraph (b). Such  
926 fingerprints shall thereafter be available for all purposes and  
927 uses authorized for arrest fingerprint submissions entered into  
928 the statewide automated biometric fingerprint identification



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929 system pursuant to s. 943.051.

930 (h) For each agency or qualified entity that officially  
931 requests retention of fingerprints or for which retention is  
932 otherwise required by law, search all arrest fingerprint  
933 submissions received under s. 943.051 against the fingerprints  
934 retained in the statewide automated biometric ~~fingerprint~~  
935 identification system under paragraph (g).

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

940 2. To participate in this search process, agencies or  
941 qualified entities must notify each person fingerprinted that  
942 his or her fingerprints will be retained, pay an annual fee to  
943 the department unless otherwise provided by law, and inform the  
944 department of any change in the affiliation, employment, or  
945 contractual status of each person whose fingerprints are  
946 retained under paragraph (g) if such change removes or  
947 eliminates the agency or qualified entity's basis or need for  
948 receiving reports of any arrest of that person, so that the  
949 agency or qualified entity is not obligated to pay the upcoming  
950 annual fee for the retention and searching of that person's  
951 fingerprints to the department. The department shall adopt a  
952 rule setting the amount of the annual fee to be imposed upon  
953 each participating agency or qualified entity for performing  
954 these searches and establishing the procedures for the retention  
955 of fingerprints and the dissemination of search results. The fee  
956 may be borne by the agency, qualified entity, or person subject  
957 to fingerprint retention or as otherwise provided by law.

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958 Consistent with the recognition of criminal justice agencies  
959 expressed in s. 943.053(3), these services shall be provided to  
960 criminal justice agencies for criminal justice purposes free of  
961 charge. Qualified entities that elect to participate in the  
962 fingerprint retention and search process are required to timely  
963 remit the fee to the department by a payment mechanism approved  
964 by the department. If requested by the qualified entity, and  
965 with the approval of the department, such fees may be timely  
966 remitted to the department by a qualified entity upon receipt of  
967 an invoice for such fees from the department. Failure of a  
968 qualified entity to pay the amount due on a timely basis or as  
969 invoiced by the department may result in the refusal by the  
970 department to permit the qualified entity to continue to  
971 participate in the fingerprint retention and search process  
972 until all fees due and owing are paid.

973 3. Agencies that participate in the fingerprint retention  
974 and search process may adopt rules pursuant to ss. 120.536(1)  
975 and 120.54 to require employers to keep the agency informed of  
976 any change in the affiliation, employment, or contractual status  
977 of each person whose fingerprints are retained under paragraph  
978 (g) if such change removes or eliminates the agency's basis or  
979 need for receiving reports of any arrest of that person, so that  
980 the agency is not obligated to pay the upcoming annual fee for  
981 the retention and searching of that person's fingerprints to the  
982 department.

983 (3) If fingerprints submitted to the department for  
984 background screening, whether retained or not retained, are  
985 identified with the fingerprints of a person having a criminal  
986 history record, such fingerprints may thereafter be available

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987 for all purposes and uses authorized for arrest fingerprints  
988 ~~fingerprint cards~~, including, but not limited to, entry into the  
989 statewide automated biometric fingerprint identification system  
990 to augment or replace the fingerprints that identify the  
991 criminal history record.

992 (4) Upon notification that a federal fingerprint retention  
993 program is in effect, and subject to the department being funded  
994 and equipped to participate in such a program, the department  
995 shall, if state and national criminal history records checks and  
996 retention of submitted prints are authorized or required by law,  
997 retain the fingerprints as provided in paragraphs (2)(g) and (h)  
998 and advise the Federal Bureau of Investigation to retain the  
999 fingerprints at the national level for searching against arrest  
1000 fingerprint submissions received at the national level.

1001 Section 16. Subsections (2) and (3) of section 943.051,  
1002 Florida Statutes, are amended to read:

1003 943.051 Criminal justice information; collection and  
1004 storage; fingerprinting.—

1005 (2) The fingerprints, palm prints, and facial images of  
1006 each adult person charged with or convicted of a felony,  
1007 misdemeanor, or violation of a comparable ordinance by a state,  
1008 county, municipal, or other law enforcement agency shall be  
1009 captured ~~fingerprinted~~, and electronically ~~such fingerprints~~  
1010 ~~shall be~~ submitted to the department in the manner prescribed by  
1011 rule. Exceptions to this requirement for specified misdemeanors  
1012 or comparable ordinance violations may be made by the department  
1013 by rule.

1014 (3) (a) The fingerprints, palm prints, and facial images of  
1015 a minor who is charged with or found to have committed an

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1016 offense that would be a felony if committed by an adult shall be  
 1017 captured ~~fingerprinted~~ and ~~the fingerprints shall be~~  
 1018 electronically submitted to the department in the manner  
 1019 prescribed by rule.

1020 (b) A minor who is charged with or found to have committed  
 1021 the following offenses shall be fingerprinted and the  
 1022 fingerprints shall be submitted electronically to the  
 1023 department, unless the minor is issued a civil citation pursuant  
 1024 to s. 985.12:

- 1025 1. Assault, as defined in s. 784.011.
- 1026 2. Battery, as defined in s. 784.03.
- 1027 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 1028 4. Unlawful use of destructive devices or bombs, as defined  
 1029 in s. 790.1615(1).
- 1030 5. Neglect ~~Negligent treatment of a child~~ children, as  
 1031 defined in s. 827.03(1)(e) ~~former s. 827.05~~.
- 1032 6. Assault or battery on a law enforcement officer, a  
 1033 firefighter, or other specified officers, as defined in s.  
 1034 784.07(2)(a) and (b).
- 1035 7. Open carrying of a weapon, as defined in s. 790.053.
- 1036 8. Exposure of sexual organs, as defined in s. 800.03.
- 1037 9. Unlawful possession of a firearm, as defined in s.  
 1038 790.22(5).
- 1039 10. Petit theft, as defined in s. 812.014(3).
- 1040 11. Cruelty to animals, as defined in s. 828.12(1).
- 1041 12. Arson, as defined in s. 806.031(1).
- 1042 13. Unlawful possession or discharge of a weapon or firearm  
 1043 at a school-sponsored event or on school property, as provided  
 1044 ~~defined~~ in s. 790.115.

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1045 Section 17. Section 943.052, Florida Statutes, is amended  
1046 to read:

1047 943.052 Disposition reporting.—The Criminal Justice  
1048 Information Program shall, by rule, establish procedures and a  
1049 format for each criminal justice agency to monitor its records  
1050 and submit reports, as provided by this section, to the program.  
1051 The disposition report shall be developed by the program and  
1052 shall include the offender-based transaction system number.

1053 (1) Each law enforcement officer or booking officer shall  
1054 include with submitted arrest information and fingerprints ~~on~~  
1055 ~~the arrest fingerprint card~~ the offender-based transaction  
1056 system number.

1057 (2) Each clerk of the court shall submit the uniform  
1058 dispositions to the program or in a manner acceptable to the  
1059 program. The report must ~~shall~~ be submitted at least once a  
1060 month ~~and, when acceptable by the program, may be submitted in~~  
1061 ~~an automated format~~ acceptable to the program. The disposition  
1062 report is mandatory for each disposition ~~dispositions~~ relating  
1063 to an adult offender ~~and, offenders only~~. beginning July 1,  
1064 2008, ~~a disposition report for dispositions each disposition~~  
1065 relating to a minor offenders ~~offender is mandatory~~.

1066 (3) (a) The Department of Corrections shall submit  
1067 fingerprints, palm prints, and facial images ~~information~~ to the  
1068 program relating to the receipt ~~or discharge~~ of any person who  
1069 is sentenced to a state correctional institution.

1070 (b) The Department of Juvenile Justice shall submit  
1071 fingerprints, palm prints, and facial images ~~information~~ to the  
1072 program relating to the receipt ~~or discharge~~ of any minor who is  
1073 found to have committed an offense that would be a felony if

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1074 committed by an adult, or is found to have committed a  
1075 misdemeanor specified in s. 943.051(3), and is committed to the  
1076 custody of the Department of Juvenile Justice.

1077 Section 18. Subsection (2), paragraph (a) of subsection  
1078 (3), subsection (11), and paragraphs (a) and (c) of subsection  
1079 (13) of section 943.053, Florida Statutes, are amended to read:

1080 943.053 Dissemination of criminal justice information;  
1081 fees.—

1082 (2) Criminal justice information derived from federal  
1083 criminal justice information systems or criminal justice  
1084 information systems of other states shall not be disseminated in  
1085 a manner inconsistent with the rules instituted by the National  
1086 Crime Prevention and Privacy Compact, as approved and ratified  
1087 in s. 943.0543, or with other applicable laws, regulations, or  
1088 rules of the originating agency.

1089 (3) (a) Criminal history information, including information  
1090 relating to minors, compiled by the Criminal Justice Information  
1091 Program from intrastate sources shall be available on a priority  
1092 basis to criminal justice agencies for criminal justice purposes  
1093 free of charge. After providing the program with all known  
1094 personal identifying information, persons in the private sector  
1095 and noncriminal justice agencies may be provided criminal  
1096 history information upon tender of fees as established in this  
1097 subsection and in the manner prescribed by rule of the  
1098 Department of Law Enforcement. Any access to criminal history  
1099 information by the private sector or noncriminal justice  
1100 agencies as provided in this subsection shall be assessed  
1101 without regard to the quantity or category of criminal history  
1102 record information requested.

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1103 (11) A criminal justice agency that is authorized under  
1104 federal rules or law to conduct a criminal history background  
1105 check on an agency employee who is not certified by the Criminal  
1106 Justice Standards and Training Commission under s. 943.12 may  
1107 submit to the department the fingerprints of the noncertified  
1108 employee to obtain state and national criminal history  
1109 information. The fingerprints shall be retained and entered in  
1110 the statewide automated biometric ~~fingerpr~~int identification  
1111 system authorized by s. 943.05 and shall be available for all  
1112 purposes and uses authorized for arrest fingerprint submissions  
1113 entered in the statewide automated biometric ~~fingerpr~~int  
1114 identification system pursuant to s. 943.051. The department  
1115 shall search all arrest fingerprint submissions received  
1116 pursuant to s. 943.051 against the fingerprints retained in the  
1117 statewide automated biometric ~~fingerpr~~int identification system  
1118 pursuant to this section. In addition to all purposes and uses  
1119 authorized for arrest fingerprint submissions for which  
1120 submitted fingerprints may be used, any arrest record that is  
1121 identified with the retained employee fingerprints must be  
1122 reported to the submitting employing agency.

1123 (13) (a) For the department to accept an electronic  
1124 fingerprint submission from:

1125 1. A private vendor engaged in the business of providing  
1126 electronic fingerprint submission; or

1127 2. A private entity or public agency that submits the  
1128 fingerprints of its own employees, volunteers, contractors,  
1129 associates, or applicants for the purpose of conducting a  
1130 required or permitted criminal history background check,  
1131

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1132 the vendor, entity, or agency submitting the fingerprints must  
1133 enter into an agreement with the department that, at a minimum,  
1134 obligates the vendor, entity, or agency to comply with certain  
1135 specified standards to ensure that all persons having direct or  
1136 indirect responsibility for verifying identification, taking  
1137 fingerprints, identifying, and electronically submitting  
1138 fingerprints are qualified to do so and will ensure the  
1139 integrity and security of all personal information gathered from  
1140 the persons whose fingerprints are submitted.

1141 (c) The requirement for entering into an agreement with the  
1142 department for this purpose does not apply to criminal justice  
1143 agencies ~~as defined at s. 943.045(10).~~

1144 Section 19. Paragraph (b) of subsection (1) of section  
1145 943.054, Florida Statutes, is amended to read:

1146 943.054 Exchange of federal criminal history records and  
1147 information.—

1148 (1) Criminal history information derived from any United  
1149 States Department of Justice criminal justice information system  
1150 is available:

1151 (b) Pursuant to applicable federal laws and regulations,   
1152 including those instituted by the National Crime Prevention and  
1153 Privacy Compact, for use in connection with licensing or local  
1154 or state employment or for such other uses only as authorized by  
1155 federal or state laws which have been approved by the United  
1156 States Attorney General or the Attorney General's designee. ~~When  
1157 no active prosecution of the charge is known to be pending,  
1158 arrest data more than 1 year old is not disseminated unless  
1159 accompanied by information relating to the disposition of that  
1160 arrest.~~



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1161 Section 20. Paragraphs (b) and (c) of subsection (2) of  
1162 section 943.0542, Florida Statutes, are amended to read:

1163 943.0542 Access to criminal history information provided by  
1164 the department to qualified entities.-

1165 (2)

1166 (b) A qualified entity shall submit to the department a  
1167 request for screening an employee or volunteer or person  
1168 applying to be an employee or volunteer by submitting  
1169 fingerprints ~~on a completed fingerprint card~~, or the request may  
1170 be submitted electronically. The qualified entity must maintain  
1171 a signed waiver allowing the release of the state and national  
1172 criminal history record information to the qualified entity.

1173 (c) Each such request must be accompanied by payment of a  
1174 fee for a statewide criminal history check by the department  
1175 established by s. 943.053, plus the amount currently prescribed  
1176 by the Federal Bureau of Investigation for the national criminal  
1177 history check in compliance with the National Child Protection  
1178 Act of 1993, as amended. Payments must be made in the manner  
1179 prescribed by the department by rule.

1180 Section 21. Subsection (2) of section 943.0544, Florida  
1181 Statutes, is amended to read:

1182 943.0544 Criminal justice information network and  
1183 information management.-

1184 (2) The department may develop, implement, maintain,  
1185 manage, and operate the Criminal Justice Network, which shall be  
1186 an intrastate network for agency ~~intraagency~~ information and  
1187 data sharing ~~data-sharing network~~ for use by the state's  
1188 criminal justice agencies. The department, in consultation with  
1189 the Criminal and Juvenile Justice Information Systems Council,

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1190 shall determine and regulate access to the Criminal Justice  
1191 Network by the state's criminal justice agencies.

1192 Section 22. Section 943.055, Florida Statutes, is amended  
1193 to read:

1194 943.055 Records and audit.—

1195 (1) Criminal justice agencies disseminating criminal  
1196 justice information derived from a Department of Law Enforcement  
1197 criminal justice information system shall maintain a record of  
1198 dissemination in accordance with the user agreements in s.  
1199 943.0525 rules adopted by the Department of Law Enforcement.

1200 (2) The Criminal Justice Information Program shall arrange  
1201 for any audits of state and local criminal justice and  
1202 noncriminal justice agencies necessary to ensure ~~assure~~  
1203 compliance with federal laws and regulations, this chapter, and  
1204 rules of the Department of Law Enforcement pertaining to the  
1205 establishment, operation, security, and maintenance of criminal  
1206 justice information systems.

1207 Section 23. Subsection (2) of section 943.056, Florida  
1208 Statutes, is amended to read:

1209 943.056 ~~Access to, review and challenge of,~~ Criminal  
1210 history records; access, review, and challenge.—

1211 (2) Criminal justice agencies subject to chapter 120 shall  
1212 be subject to hearings regarding those portions of criminal  
1213 history records for which the agency served as originator. When  
1214 it is determined what the record should contain in order to be  
1215 complete and accurate, the Criminal Justice Information Program  
1216 shall be advised and shall conform state ~~and federal~~ records to  
1217 the corrected criminal history record information and shall  
1218 request that the federal records be corrected.

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1219 Section 24. Paragraphs (b) and (c) of subsection (3) and  
1220 subsections (5) and (6) of section 943.0582, Florida Statutes,  
1221 are amended to read:

1222 943.0582 Prearrest, postarrest, or teen court diversion  
1223 program expunction.—

1224 (3) The department shall expunge the nonjudicial arrest  
1225 record of a minor who has successfully completed a prearrest or  
1226 postarrest diversion program if that minor:

1227 (b) Submits the application for prearrest or postarrest  
1228 diversion expunction no later than 12 ~~6~~ months after completion  
1229 of the diversion program.

1230 (c) Submits to the department, with the application, an  
1231 official written statement from the state attorney for the  
1232 county in which the arrest occurred certifying that he or she  
1233 has successfully completed that county's prearrest or postarrest  
1234 diversion program, ~~and~~ that his or her participation in the  
1235 program was based on an arrest is strictly limited to minors  
1236 ~~arrested~~ for a nonviolent misdemeanor, and that he or she has  
1237 ~~who have~~ not otherwise been charged with or found to have  
1238 committed any criminal offense or comparable ordinance  
1239 violation.

1240 ~~(5) This section operates retroactively to permit the~~  
1241 ~~expunction of any nonjudicial record of the arrest of a minor~~  
1242 ~~who has successfully completed a prearrest or postarrest~~  
1243 ~~diversion program on or after July 1, 2000; however, in the case~~  
1244 ~~of a minor whose completion of the program occurred before the~~  
1245 ~~effective date of this section, the application for prearrest or~~  
1246 ~~postarrest diversion expunction must be submitted within 6~~  
1247 ~~months after the effective date of this section.~~

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1248        (5)~~(6)~~ Expunction or sealing granted under this section  
1249 does not prevent the minor who receives such relief from  
1250 petitioning for the expunction or sealing of a later criminal  
1251 history record as provided for in ss. 943.0585 and 943.059, if  
1252 the minor is otherwise eligible under those sections.

1253        Section 25. Paragraph (b) of subsection (1), paragraph (f)  
1254 of subsection (2), and paragraph (a) of subsection (4) of  
1255 section 943.0585, Florida Statutes, are amended to read:

1256        943.0585 Court-ordered expunction of criminal history  
1257 records.—The courts of this state have jurisdiction over their  
1258 own procedures, including the maintenance, expunction, and  
1259 correction of judicial records containing criminal history  
1260 information to the extent such procedures are not inconsistent  
1261 with the conditions, responsibilities, and duties established by  
1262 this section. Any court of competent jurisdiction may order a  
1263 criminal justice agency to expunge the criminal history record  
1264 of a minor or an adult who complies with the requirements of  
1265 this section. The court shall not order a criminal justice  
1266 agency to expunge a criminal history record until the person  
1267 seeking to expunge a criminal history record has applied for and  
1268 received a certificate of eligibility for expunction pursuant to  
1269 subsection (2). A criminal history record that relates to a  
1270 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1271 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
1272 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
1273 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
1274 any violation specified as a predicate offense for registration  
1275 as a sexual predator pursuant to s. 775.21, without regard to  
1276 whether that offense alone is sufficient to require such

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1277 registration, or for registration as a sexual offender pursuant  
1278 to s. 943.0435, may not be expunged, without regard to whether  
1279 adjudication was withheld, if the defendant was found guilty of  
1280 or pled guilty or nolo contendere to the offense, or if the  
1281 defendant, as a minor, was found to have committed, or pled  
1282 guilty or nolo contendere to committing, the offense as a  
1283 delinquent act. The court may only order expunction of a  
1284 criminal history record pertaining to one arrest or one incident  
1285 of alleged criminal activity, except as provided in this  
1286 section. The court may, at its sole discretion, order the  
1287 expunction of a criminal history record pertaining to more than  
1288 one arrest if the additional arrests directly relate to the  
1289 original arrest. If the court intends to order the expunction of  
1290 records pertaining to such additional arrests, such intent must  
1291 be specified in the order. A criminal justice agency may not  
1292 expunge any record pertaining to such additional arrests if the  
1293 order to expunge does not articulate the intention of the court  
1294 to expunge a record pertaining to more than one arrest. This  
1295 section does not prevent the court from ordering the expunction  
1296 of only a portion of a criminal history record pertaining to one  
1297 arrest or one incident of alleged criminal activity.  
1298 Notwithstanding any law to the contrary, a criminal justice  
1299 agency may comply with laws, court orders, and official requests  
1300 of other jurisdictions relating to expunction, correction, or  
1301 confidential handling of criminal history records or information  
1302 derived therefrom. This section does not confer any right to the  
1303 expunction of any criminal history record, and any request for  
1304 expunction of a criminal history record may be denied at the  
1305 sole discretion of the court.

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1306 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each  
1307 petition to a court to expunge a criminal history record is  
1308 complete only when accompanied by:

1309 (b) The petitioner's sworn statement attesting that the  
1310 petitioner:

1311 1. Has never, prior to the date on which the petition is  
1312 filed, been adjudicated guilty of a criminal offense or  
1313 comparable ordinance violation, or been adjudicated delinquent  
1314 for committing any felony or a misdemeanor specified in s.  
1315 943.051(3)(b).

1316 2. Has not been adjudicated guilty of, or adjudicated  
1317 delinquent for committing, any of the acts stemming from the  
1318 arrest or alleged criminal activity to which the petition  
1319 pertains.

1320 3. Has never secured a prior sealing or expunction of a  
1321 criminal history record under this section, s. 943.059, former  
1322 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~  
1323 ~~jurisdiction outside the state~~, unless expunction is sought of a  
1324 criminal history record previously sealed for 10 years pursuant  
1325 to paragraph (2)(h) and the record is otherwise eligible for  
1326 expunction.

1327 4. Is eligible for such an expunction to the best of his or  
1328 her knowledge or belief and does not have any other petition to  
1329 expunge or any petition to seal pending before any court.

1330  
1331 Any person who knowingly provides false information on such  
1332 sworn statement to the court commits a felony of the third  
1333 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1334 775.084.

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1335 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to  
1336 petitioning the court to expunge a criminal history record, a  
1337 person seeking to expunge a criminal history record shall apply  
1338 to the department for a certificate of eligibility for  
1339 expunction. The department shall, by rule adopted pursuant to  
1340 chapter 120, establish procedures pertaining to the application  
1341 for and issuance of certificates of eligibility for expunction.  
1342 A certificate of eligibility for expunction is valid for 12  
1343 months after the date stamped on the certificate when issued by  
1344 the department. After that time, the petitioner must reapply to  
1345 the department for a new certificate of eligibility. Eligibility  
1346 for a renewed certification of eligibility must be based on the  
1347 status of the applicant and the law in effect at the time of the  
1348 renewal application. The department shall issue a certificate of  
1349 eligibility for expunction to a person who is the subject of a  
1350 criminal history record if that person:

1351 (f) Has never secured a prior sealing or expunction of a  
1352 criminal history record under this section, s. 943.059, former  
1353 s. 893.14, former s. 901.33, or former s. 943.058, unless  
1354 expunction is sought of a criminal history record previously  
1355 sealed for 10 years pursuant to paragraph (h) and the record is  
1356 otherwise eligible for expunction.

1357 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
1358 criminal history record of a minor or an adult which is ordered  
1359 expunged by a court of competent jurisdiction pursuant to this  
1360 section must be physically destroyed or obliterated by any  
1361 criminal justice agency having custody of such record; except  
1362 that any criminal history record in the custody of the  
1363 department must be retained in all cases. A criminal history

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1364 record ordered expunged that is retained by the department is  
1365 confidential and exempt from the provisions of s. 119.07(1) and  
1366 s. 24(a), Art. I of the State Constitution and not available to  
1367 any person or entity except upon order of a court of competent  
1368 jurisdiction. A criminal justice agency may retain a notation  
1369 indicating compliance with an order to expunge.

1370 (a) The person who is the subject of a criminal history  
1371 record that is expunged under this section or under other  
1372 provisions of law, including former s. 893.14, former s. 901.33,  
1373 and former s. 943.058, may lawfully deny or fail to acknowledge  
1374 the arrests covered by the expunged record, except when the  
1375 subject of the record:

- 1376 1. Is a candidate for employment with a criminal justice  
1377 agency;
- 1378 2. Is a defendant in a criminal prosecution;
- 1379 3. Concurrently or subsequently petitions for relief under  
1380 this section or s. 943.059;
- 1381 4. Is a candidate for admission to The Florida Bar;
- 1382 5. Is seeking to be employed or licensed by or to contract  
1383 with the Department of Children and Families ~~Family Services~~,  
1384 the Division of Vocational Rehabilitation within the Department  
1385 of Education, the Agency for Health Care Administration, the  
1386 Agency for Persons with Disabilities, the Department of Health,  
1387 the Department of Elderly Affairs, or the Department of Juvenile  
1388 Justice or to be employed or used by such contractor or licensee  
1389 in a sensitive position having direct contact with children, the  
1390 disabled, or the elderly; or
- 1391 6. Is seeking to be employed or licensed by the Department  
1392 of Education, any district school board, any university



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1393 laboratory school, any charter school, any private or parochial  
1394 school, or any local governmental entity that licenses child  
1395 care facilities; ~~or~~

1396 ~~7. Is seeking authorization from a seaport listed in s.~~  
1397 ~~311.09 for employment within or access to one or more of such~~  
1398 ~~seaports pursuant to s. 311.12.~~

1399 Section 26. Paragraph (b) of subsection (1), paragraph (e)  
1400 of subsection (2), and paragraph (a) of subsection (4) of  
1401 section 943.059, Florida Statutes, are amended to read:

1402 943.059 Court-ordered sealing of criminal history records.—  
1403 The courts of this state shall continue to have jurisdiction  
1404 over their own procedures, including the maintenance, sealing,  
1405 and correction of judicial records containing criminal history  
1406 information to the extent such procedures are not inconsistent  
1407 with the conditions, responsibilities, and duties established by  
1408 this section. Any court of competent jurisdiction may order a  
1409 criminal justice agency to seal the criminal history record of a  
1410 minor or an adult who complies with the requirements of this  
1411 section. The court shall not order a criminal justice agency to  
1412 seal a criminal history record until the person seeking to seal  
1413 a criminal history record has applied for and received a  
1414 certificate of eligibility for sealing pursuant to subsection  
1415 (2). A criminal history record that relates to a violation of s.  
1416 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
1417 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
1418 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
1419 916.1075, a violation enumerated in s. 907.041, or any violation  
1420 specified as a predicate offense for registration as a sexual  
1421 predator pursuant to s. 775.21, without regard to whether that

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1422 offense alone is sufficient to require such registration, or for  
1423 registration as a sexual offender pursuant to s. 943.0435, may  
1424 not be sealed, without regard to whether adjudication was  
1425 withheld, if the defendant was found guilty of or pled guilty or  
1426 nolo contendere to the offense, or if the defendant, as a minor,  
1427 was found to have committed or pled guilty or nolo contendere to  
1428 committing the offense as a delinquent act. The court may only  
1429 order sealing of a criminal history record pertaining to one  
1430 arrest or one incident of alleged criminal activity, except as  
1431 provided in this section. The court may, at its sole discretion,  
1432 order the sealing of a criminal history record pertaining to  
1433 more than one arrest if the additional arrests directly relate  
1434 to the original arrest. If the court intends to order the  
1435 sealing of records pertaining to such additional arrests, such  
1436 intent must be specified in the order. A criminal justice agency  
1437 may not seal any record pertaining to such additional arrests if  
1438 the order to seal does not articulate the intention of the court  
1439 to seal records pertaining to more than one arrest. This section  
1440 does not prevent the court from ordering the sealing of only a  
1441 portion of a criminal history record pertaining to one arrest or  
1442 one incident of alleged criminal activity. Notwithstanding any  
1443 law to the contrary, a criminal justice agency may comply with  
1444 laws, court orders, and official requests of other jurisdictions  
1445 relating to sealing, correction, or confidential handling of  
1446 criminal history records or information derived therefrom. This  
1447 section does not confer any right to the sealing of any criminal  
1448 history record, and any request for sealing a criminal history  
1449 record may be denied at the sole discretion of the court.

1450 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each

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1451 petition to a court to seal a criminal history record is  
1452 complete only when accompanied by:

1453 (b) The petitioner's sworn statement attesting that the  
1454 petitioner:

1455 1. Has never, prior to the date on which the petition is  
1456 filed, been adjudicated guilty of a criminal offense or  
1457 comparable ordinance violation, or been adjudicated delinquent  
1458 for committing any felony or a misdemeanor specified in s.  
1459 943.051(3) (b) .

1460 2. Has not been adjudicated guilty of or adjudicated  
1461 delinquent for committing any of the acts stemming from the  
1462 arrest or alleged criminal activity to which the petition to  
1463 seal pertains.

1464 3. Has never secured a prior sealing or expunction of a  
1465 criminal history record under this section, s. 943.0585, former  
1466 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~  
1467 ~~jurisdiction outside the state.~~

1468 4. Is eligible for such a sealing to the best of his or her  
1469 knowledge or belief and does not have any other petition to seal  
1470 or any petition to expunge pending before any court.

1471  
1472 Any person who knowingly provides false information on such  
1473 sworn statement to the court commits a felony of the third  
1474 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1475 775.084.

1476 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to  
1477 petitioning the court to seal a criminal history record, a  
1478 person seeking to seal a criminal history record shall apply to  
1479 the department for a certificate of eligibility for sealing. The

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1480 department shall, by rule adopted pursuant to chapter 120,  
1481 establish procedures pertaining to the application for and  
1482 issuance of certificates of eligibility for sealing. A  
1483 certificate of eligibility for sealing is valid for 12 months  
1484 after the date stamped on the certificate when issued by the  
1485 department. After that time, the petitioner must reapply to the  
1486 department for a new certificate of eligibility. Eligibility for  
1487 a renewed certification of eligibility must be based on the  
1488 status of the applicant and the law in effect at the time of the  
1489 renewal application. The department shall issue a certificate of  
1490 eligibility for sealing to a person who is the subject of a  
1491 criminal history record provided that such person:

1492 (e) Has never secured a prior sealing or expunction of a  
1493 criminal history record under this section, s. 943.0585, former  
1494 s. 893.14, former s. 901.33, or former s. 943.058.

1495 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
1496 history record of a minor or an adult which is ordered sealed by  
1497 a court of competent jurisdiction pursuant to this section is  
1498 confidential and exempt from the provisions of s. 119.07(1) and  
1499 s. 24(a), Art. I of the State Constitution and is available only  
1500 to the person who is the subject of the record, to the subject's  
1501 attorney, to criminal justice agencies for their respective  
1502 criminal justice purposes, which include conducting a criminal  
1503 history background check for approval of firearms purchases or  
1504 transfers as authorized by state or federal law, to judges in  
1505 the state courts system for the purpose of assisting them in  
1506 their case-related decisionmaking responsibilities, as set forth  
1507 in s. 943.053(5), or to those entities set forth in  
1508 subparagraphs (a)1., 4., 5., 6., and 8. for their respective

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1509 licensing, access authorization, and employment purposes.

1510 (a) The subject of a criminal history record sealed under  
1511 this section or under other provisions of law, including former  
1512 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
1513 deny or fail to acknowledge the arrests covered by the sealed  
1514 record, except when the subject of the record:

1515 1. Is a candidate for employment with a criminal justice  
1516 agency;

1517 2. Is a defendant in a criminal prosecution;

1518 3. Concurrently or subsequently petitions for relief under  
1519 this section or s. 943.0585;

1520 4. Is a candidate for admission to The Florida Bar;

1521 5. Is seeking to be employed or licensed by or to contract  
1522 with the Department of Children and Families ~~Family Services~~,  
1523 the Division of Vocational Rehabilitation within the Department  
1524 of Education, the Agency for Health Care Administration, the  
1525 Agency for Persons with Disabilities, the Department of Health,  
1526 the Department of Elderly Affairs, or the Department of Juvenile  
1527 Justice or to be employed or used by such contractor or licensee  
1528 in a sensitive position having direct contact with children, the  
1529 disabled, or the elderly;

1530 6. Is seeking to be employed or licensed by the Department  
1531 of Education, any district school board, any university  
1532 laboratory school, any charter school, any private or parochial  
1533 school, or any local governmental entity that licenses child  
1534 care facilities; or

1535 7. Is attempting to purchase a firearm from a licensed  
1536 importer, licensed manufacturer, or licensed dealer and is  
1537 subject to a criminal history check under state or federal law~~;~~

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1538 ~~or~~

1539 ~~8. Is seeking authorization from a Florida seaport~~  
1540 ~~identified in s. 311.09 for employment within or access to one~~  
1541 ~~or more of such seaports pursuant to s. 311.12.~~

1542 Section 27. Section 943.125, Florida Statutes, is amended  
1543 to read:

1544 943.125 Accreditation of state and local law enforcement  
1545 agencies, correctional facilities, public agency offices of  
1546 inspectors general, and certain pretrial diversion programs ~~law~~  
1547 ~~enforcement agency accreditation; intent.-~~

1548 (1) It is the intent of the Legislature that law  
1549 enforcement agencies, correctional facilities, public agency  
1550 offices of inspectors general, and those agencies offering  
1551 pretrial diversion programs within offices of the state  
1552 attorneys, county government, or sheriff's offices in the state  
1553 be upgraded and strengthened through the adoption of meaningful  
1554 standards of operation for those agencies and their functions.

1555 (2) It is the further intent of the Legislature that these  
1556 ~~law enforcement~~ agencies voluntarily adopt standards designed to  
1557 promote enhanced professionalism:

1558 (a) ~~For equal and fair~~ law enforcement, to maximize the  
1559 capability of law enforcement agencies to enforce the law and  
1560 prevent and control criminal activities, ~~and to increase~~  
1561 ~~interagency cooperation throughout the state.~~

1562 (b) For correctional facilities, to maintain best practices  
1563 for the care, custody, and control of inmates.

1564 (c) Within public agency offices of inspector general, to  
1565 promote more effective scrutiny of public agency operations and  
1566 greater accountability of those serving in those agencies.

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1567       (d) In the operation and management of pretrial diversion  
1568 programs offered by and through the state attorney's offices,  
1569 county government, or sheriff's offices.

1570       (3) ~~It is further the intent of~~ The Legislature also  
1571 intends to encourage the continuation of a voluntary state  
1572 accreditation program to facilitate the enhanced professionalism  
1573 identified in subsection (2) Florida Sheriffs Association and  
1574 the Florida Police Chiefs Association to develop, either jointly  
1575 or separately, a law enforcement agency accreditation program.  
1576 Other than the staff support by the department as authorized in  
1577 subsection (5), the accreditation program must be independent of  
1578 any law enforcement agency, the Department of Corrections, the  
1579 Florida Sheriffs Association, or the Florida Police Chiefs  
1580 Association.

1581       (4) The law enforcement accreditation program must address,  
1582 at a minimum, the following aspects of law enforcement:

- 1583       (a) Vehicle pursuits.  
1584       (b) Seizure and forfeiture of contraband articles.  
1585       (c) Recording and processing citizens' complaints.  
1586       (d) Use of force.  
1587       (e) Traffic stops.  
1588       (f) Handling natural and manmade disasters.  
1589       (g) Special operations.  
1590       (h) Prisoner transfer.  
1591       (i) Collection and preservation of evidence.  
1592       (j) Recruitment and selection.  
1593       (k) Officer training.  
1594       (l) Performance evaluations.  
1595       (m) Law enforcement disciplinary procedures and rights.

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1596 (n) Use of criminal investigative funds.

1597 (5) Subject to available funding, the department shall  
1598 employ and assign adequate support staff to the Commission for  
1599 Florida Law Enforcement Accreditation, Inc., and the Florida  
1600 Corrections Accreditation Commission, Inc., in support of the  
1601 accreditation programs established in this section.

1602 (6) Accreditation standards related to law enforcement and  
1603 inspectors general used by the accreditation programs  
1604 established in this section shall be determined by the  
1605 Commission for Florida Law Enforcement Accreditation, Inc.  
1606 Accreditation standards related to corrections functions and  
1607 pretrial diversion programs shall be determined by the Florida  
1608 Corrections Accreditation Commission, Inc.

1609 Section 28. Subsection (5) of section 943.13, Florida  
1610 Statutes, is amended to read:

1611 943.13 Officers' minimum qualifications for employment or  
1612 appointment.—On or after October 1, 1984, any person employed or  
1613 appointed as a full-time, part-time, or auxiliary law  
1614 enforcement officer or correctional officer; on or after October  
1615 1, 1986, any person employed as a full-time, part-time, or  
1616 auxiliary correctional probation officer; and on or after  
1617 October 1, 1986, any person employed as a full-time, part-time,  
1618 or auxiliary correctional officer by a private entity under  
1619 contract to the Department of Corrections, to a county  
1620 commission, or to the Department of Management Services shall:

1621 (5) Have documentation of his or her processed fingerprints  
1622 on file with the employing agency or, if a private correctional  
1623 officer, have documentation of his or her processed fingerprints  
1624 on file with the Department of Corrections or the Criminal



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1625 Justice Standards and Training Commission. ~~If administrative~~  
1626 ~~delays are caused by the department or the Federal Bureau of~~  
1627 ~~Investigation and the person has complied with subsections (1)-~~  
1628 ~~(4) and (6)-(9), he or she may be employed or appointed for a~~  
1629 ~~period not to exceed 1 calendar year from the date he or she was~~  
1630 ~~employed or appointed or until return of the processed~~  
1631 ~~fingerprints documenting noncompliance with subsections (1)-(4)~~  
1632 ~~or subsection (7), whichever occurs first. Beginning January 15,~~  
1633 ~~2007,~~ The department shall retain and enter into the statewide  
1634 automated biometric fingerprint identification system authorized  
1635 by s. 943.05 all fingerprints submitted to the department as  
1636 required by this section. Thereafter, the fingerprints shall be  
1637 available for all purposes and uses authorized for arrest  
1638 fingerprints ~~fingerprint cards~~ entered in the statewide  
1639 automated biometric fingerprint identification system pursuant  
1640 to s. 943.051. The department shall search all arrest  
1641 fingerprints ~~fingerprint cards~~ received pursuant to s. 943.051  
1642 against the fingerprints retained in the statewide automated  
1643 biometric fingerprint identification system pursuant to this  
1644 section and report to the employing agency any arrest records  
1645 that are identified with the retained employee's fingerprints.  
1646 ~~By January 1, 2008, a person who must meet minimum~~  
1647 ~~qualifications as provided in this section and whose~~  
1648 ~~fingerprints are not retained by the department pursuant to this~~  
1649 ~~section must be refingerprinted.~~ These fingerprints must be  
1650 forwarded to the department for processing and retention.

1651 Section 29. Subsection (1) of section 943.132, Florida  
1652 Statutes, is amended to read:

1653 943.132 Implementation of federal qualified active or

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1654 qualified retired law enforcement concealed firearms provisions  
1655 ~~Law Enforcement Officers Safety Act of 2004.~~—

1656 (1) The commission shall by rule establish the manner in  
1657 which Title 18, 44 U.S.C. ss. 926B and 926C, ~~the federal Law~~  
1658 ~~Enforcement Officers Safety Act of 2004,~~ relating to the  
1659 carrying of concealed firearms by qualified law enforcement  
1660 officers and qualified retired law enforcement officers, as  
1661 defined in the act, shall be implemented in the state. In order  
1662 to facilitate the implementation within the state of Title 18,  
1663 44 U.S.C. ss. 926B and 926C, the commission shall ~~develop and~~  
1664 authorize a uniform firearms proficiency verification card to be  
1665 issued to persons who achieve a passing score on the firing  
1666 range testing component as used ~~utilized~~ in the minimum firearms  
1667 proficiency course applicable to active law enforcement  
1668 officers, indicating the person's name and the date upon which  
1669 he or she achieved the passing score. Each such card shall be  
1670 issued only by firearms instructors with current certifications  
1671 from ~~certified by~~ the commission.

1672 Section 30. Paragraph (a) of subsection (6) of section  
1673 943.1395, Florida Statutes, is amended to read:

1674 943.1395 Certification for employment or appointment;  
1675 concurrent certification; reemployment or reappointment;  
1676 inactive status; revocation; suspension; investigation.—

1677 (6) The commission shall revoke the certification of any  
1678 officer who is not in compliance with the provisions of s.  
1679 943.13(4) or who intentionally executes a false affidavit  
1680 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

1681 (a) The commission shall cause to be investigated any  
1682 ground for revocation from the employing agency pursuant to s.

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1683 943.139 or from the Governor, and the commission may cause  
1684 ~~investigate~~ verifiable complaints to be investigated. Any  
1685 investigation initiated by the commission pursuant to this  
1686 section must be completed within 6 months after receipt of the  
1687 completed report of the disciplinary or internal affairs  
1688 investigation from the employing agency or Governor's office. A  
1689 verifiable complaint shall be completed within 1 year after  
1690 receipt of the complaint. An investigation shall be considered  
1691 completed upon a finding by a probable cause panel of the  
1692 commission. These time periods shall be tolled during the appeal  
1693 of a termination or other disciplinary action through the  
1694 administrative or judicial process or during the period of any  
1695 criminal prosecution of the officer.

1696 Section 31. Subsection (2), paragraph (a) of subsection  
1697 (3), and subsection (6) of section 943.1755, Florida Statutes,  
1698 are amended to read:

1699 943.1755 Florida Criminal Justice Executive Institute.—

1700 (2) The institute is established within the Department of  
1701 Law Enforcement and affiliated with the State University System.  
1702 The Board of Governors of the State University System shall, in  
1703 cooperation with the Department of Law Enforcement, determine  
1704 the specific placement of the institute within the system. The  
1705 Department of Law Enforcement maintains responsibility for  
1706 delivering and facilitating all Florida Criminal Justice  
1707 Executive Institute training.

1708 (3) The institute shall cooperate with the Criminal Justice  
1709 Standards and Training Commission, and shall be guided and  
1710 directed by a policy board composed of the following members:

1711 (a) The following persons shall serve on the policy board:

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- 1712           1. The executive director of the Department of Law  
1713 Enforcement or a designee.  
1714           2. The Secretary of Corrections or a designee.  
1715           3. The Commissioner of Education or a designee ~~an employee~~  
1716 ~~of the Department of Education designated by the Commissioner.~~  
1717           4. The Secretary of Juvenile Justice or a designee.

1718           (6) Seven ~~Six~~ members constitute a quorum of the board.  
1719           Section 32. Subsection (2) of section 943.1757, Florida  
1720 Statutes, is amended to read:

1721           943.1757 Criminal justice executives; training; policy  
1722 report.—

1723           (2) The policy board of the Criminal Justice Executive  
1724 Institute shall identify the needs of criminal justice  
1725 executives regarding issues related to diverse populations, and  
1726 ensure that such needs are met through appropriate training.  
1727 ~~Beginning January 1, 1995, and every 5 years thereafter, the~~  
1728 ~~policy board shall provide to the appropriate substantive~~  
1729 ~~committees of each house a report describing executive training~~  
1730 ~~needs. In addition,~~ The policy board shall prepare a biennial  
1731 report to the appropriate substantive committees of each house  
1732 describing how these needs are being met through training by the  
1733 Criminal Justice Executive Institute.

1734           Section 33. Paragraph (a) of subsection (4) and subsection  
1735 (9) of section 943.25, Florida Statutes, are amended to read:

1736           943.25 Criminal justice trust funds; source of funds; use  
1737 of funds.—

1738           (4) The commission shall authorize the establishment of  
1739 regional training councils to advise and assist the commission  
1740 in developing and maintaining a plan assessing regional criminal

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1741 justice training needs and to act as an extension of the  
1742 commission in the planning, programming, and budgeting for  
1743 expenditures of the moneys in the Criminal Justice Standards and  
1744 Training Trust Fund.

1745 (a) The commission may ~~shall~~ annually forward to each  
1746 regional training council a list of its specific recommended  
1747 priority issues or items to be funded. Each regional training  
1748 council shall consider the recommendations of the commission in  
1749 relation to the needs of the region and either include the  
1750 recommendations in the region's budget plan or satisfactorily  
1751 justify their exclusion.

1752 (9) Up to \$250,000 per annum from the Criminal Justice  
1753 Standards and Training Trust Fund may be used to develop,  
1754 validate, update, and maintain test or assessment instruments,  
1755 including computer-based testing, relating to selection,  
1756 employment, training, or evaluation of officers, instructors, or  
1757 courses. Pursuant to s. 943.12(4), (5), and (8), the commission  
1758 shall adopt those test or assessment instruments which are  
1759 appropriate and job-related as minimum requirements.

1760 Section 34. Subsection (14) of section 943.325, Florida  
1761 Statutes, is amended to read:

1762 943.325 DNA database.—

1763 (14) RESULTS.—The results of a DNA analysis and the  
1764 comparison of analytic results shall be released only to  
1765 criminal justice agencies as defined in s. 943.045 ~~943.045(10)~~,  
1766 at the request of the agency. Otherwise, such information is  
1767 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
1768 s. 24(a), Art. I of the State Constitution.

1769 Section 35. Section 943.33, Florida Statutes, is amended to

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1770 read:

1771 943.33 State-operated criminal analysis laboratories.—

1772 (1) The state-operated laboratories shall furnish  
1773 laboratory service upon request to law enforcement officials in  
1774 the state. The testing services of such laboratories by persons  
1775 employed by or acting on behalf of the department shall also be  
1776 available to any defendant in a criminal case upon showing of  
1777 good cause and upon order of the court with jurisdiction in the  
1778 case. When such service is to be made available to the  
1779 defendant, the order shall be issued only after motion by the  
1780 defendant and hearing held after notice with a copy of the  
1781 motion being served upon the prosecutor and the state-operated  
1782 laboratory from which the service is being sought.

1783 (2) For purposes of this section, "good cause" means a  
1784 finding by the court that the laboratory testing service being  
1785 sought by the defendant is anticipated to produce evidence that  
1786 is relevant and material to the defense; ~~;~~ that the service  
1787 sought is one which is reasonably within the capacity of the  
1788 state-operated laboratory, ~~and~~ will not be unduly burdensome  
1789 upon the laboratory, will not impede normal daily laboratory  
1790 operations, will not negatively impact laboratory certifications  
1791 or equipment calibration, and does not violate the laboratory's  
1792 national certification or accreditation standards; and that the  
1793 service cannot be obtained from any qualified private or  
1794 nonstate operated laboratory within the state or otherwise  
1795 reasonably available to the defense.

1796 (3) This section does not authorize the presence of defense  
1797 experts or others representing the defense inside a state-  
1798 operated laboratory facility where actual testing or analysis is

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1799 occurring and does not authorize the use of state-operated  
1800 laboratory equipment or facilities by defense experts or other  
1801 persons not employed by or acting on the behalf of the  
1802 department.

1803 (4) The court shall assess the costs of all testing,  
1804 equipment operation, and personnel and any other costs directly  
1805 attributable to the court-ordered testing ~~such service ordered~~  
1806 ~~by the court~~ to the defendant or the defendant's counsel,  
1807 whether public, private, or pro bono, who obtained the testing  
1808 order ~~local public defender's office.~~ The laboratory providing  
1809 the service ordered shall include with the report of the  
1810 analysis, comparison, or identification a statement of the costs  
1811 of the service provided and shall provide a copy of all reports  
1812 and analysis performed and cost statement being provided to the  
1813 prosecutor in the case and the court.

1814 Section 36. Subsection (9) of section 943.68, Florida  
1815 Statutes, is amended to read:

1816 943.68 Transportation and protective services.—

1817 (9) The department shall submit a report each August ~~July~~  
1818 15 to the Governor, the Legislature, and the Cabinet, detailing  
1819 all transportation and protective services provided under  
1820 subsections (1), (5), and (6) within the preceding fiscal year.  
1821 Each report shall include a detailed accounting of the cost of  
1822 such transportation and protective services, including the names  
1823 of persons provided such services and the nature of state  
1824 business performed.

1825 Section 37. Subsection (3) of section 285.18, Florida  
1826 Statutes, is amended to read:

1827 285.18 Tribal council as governing body; powers and

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1828 duties.-

1829 (3) The law enforcement agencies of the Seminole Tribe of  
1830 Florida and the Miccosukee Tribe of Indians of Florida shall  
1831 have the authority of "criminal justice agencies" as defined in  
1832 s. 945.045(11)(e) ~~943.045(10)(e)~~ and shall have the specific  
1833 authority to negotiate agreements with the ~~Florida~~ Department of  
1834 Law Enforcement, the United States Department of Justice, and  
1835 other federal law enforcement agencies for access to criminal  
1836 history records for the purpose of conducting ongoing criminal  
1837 investigations and for the following governmental purposes:

1838 (a) Background investigations, which are required for  
1839 employment by a tribal education program, tribal Head Start  
1840 program, or tribal day care program as may be required by state  
1841 or federal law.

1842 (b) Background investigations, which are required for  
1843 employment by tribal law enforcement agencies.

1844 (c) Background investigations, which are required for  
1845 employment by a tribal government.

1846 (d) Background investigations with respect to all  
1847 employees, primary management officials, and all persons having  
1848 a financial interest in a class II Indian tribal gaming  
1849 enterprise to ensure eligibility as provided in the Indian  
1850 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et al.

1851  
1852 With regard to those investigations authorized in paragraphs  
1853 (a), (c), and (d), each such individual shall file a complete  
1854 set of his or her fingerprints that have been taken by an  
1855 authorized law enforcement officer, which set of fingerprints  
1856 shall be submitted to the Department of Law Enforcement for



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1857 state processing and to the Federal Bureau of Investigation for  
1858 federal processing. The cost of processing shall be borne by the  
1859 applicant.

1860 Section 38. Paragraph (b) of subsection (2) of section  
1861 414.40, Florida Statutes, is amended to read:

1862 414.40 Stop Inmate Fraud Program established; guidelines.—

1863 (2) The Department of Financial Services is directed to  
1864 implement the Stop Inmate Fraud Program in accordance with the  
1865 following guidelines:

1866 (b) Pursuant to these procedures, the program shall have  
1867 access to records containing correctional information not exempt  
1868 from the public records law on incarcerated persons which have  
1869 been generated as criminal justice information. As used in this  
1870 paragraph, the terms ~~term~~ "record" ~~is defined as provided in s.~~  
1871 ~~943.045(7),~~ and the ~~term~~ "criminal justice information" have the  
1872 same meanings ~~is defined~~ as provided in s. 943.045 ~~943.045(3).~~

1873 Section 39. Section 447.045, Florida Statutes, is amended  
1874 to read:

1875 447.045 Information confidential.—Neither the department  
1876 nor any investigator or employee of the department shall divulge  
1877 in any manner the information obtained pursuant to the  
1878 processing of applicant fingerprints ~~fingerprint cards~~, and such  
1879 information is confidential and exempt from ~~the provisions of~~ s.  
1880 119.07(1).

1881 Section 40. Subsection (10) of section 455.213, Florida  
1882 Statutes, is amended to read:

1883 455.213 General licensing provisions.—

1884 (10) For any profession requiring fingerprints as part of  
1885 the registration, certification, or licensure process or for any

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1886 profession requiring a criminal history record check to  
1887 determine good moral character, ~~a fingerprint card containing~~  
1888 the fingerprints of the applicant must accompany all  
1889 applications for registration, certification, or licensure. The  
1890 fingerprints ~~fingerprint card~~ shall be forwarded to the Division  
1891 of Criminal Justice Information Systems within the Department of  
1892 Law Enforcement for ~~purposes of processing the fingerprint card~~  
1893 to determine whether ~~if~~ the applicant has a criminal history  
1894 record. The fingerprints ~~fingerprint card~~ shall also be  
1895 forwarded to the Federal Bureau of Investigation ~~for purposes of~~  
1896 ~~processing the fingerprint card~~ to determine whether ~~if~~ the  
1897 applicant has a criminal history record. The information  
1898 obtained by the processing of the fingerprints ~~fingerprint card~~  
1899 by the ~~Florida~~ Department of Law Enforcement and the Federal  
1900 Bureau of Investigation shall be sent to the department to  
1901 determine whether ~~for the purpose of determining if~~ the  
1902 applicant is statutorily qualified for registration,  
1903 certification, or licensure.

1904 Section 41. Paragraph (d) of subsection (2) of section  
1905 468.453, Florida Statutes, is amended to read:

1906 468.453 Licensure required; qualifications; license  
1907 nontransferable; service of process; temporary license; license  
1908 or application from another state.—

1909 (2) A person shall be licensed as an athlete agent if the  
1910 applicant:

1911 (d) Has submitted to the department fingerprints a  
1912 ~~fingerprint card~~ for a criminal history records check. The  
1913 fingerprints ~~fingerprint card~~ shall be forwarded to the Division  
1914 of Criminal Justice Information Systems within the Department of

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1915 Law Enforcement for ~~purposes of processing the fingerprint card~~  
1916 to determine whether ~~if~~ the applicant has a criminal history  
1917 record. The fingerprints ~~fingerprint card~~ shall also be  
1918 forwarded to the Federal Bureau of Investigation ~~for purposes of~~  
1919 ~~processing the fingerprint card~~ to determine whether ~~if~~ the  
1920 applicant has a criminal history record. The information  
1921 obtained by the processing of the fingerprints ~~fingerprint card~~  
1922 by the ~~Florida~~ Department of Law Enforcement and the Federal  
1923 Bureau of Investigation shall be sent to the department to  
1924 determine whether ~~for the purpose of determining if~~ the  
1925 applicant is statutorily qualified for licensure.

1926 Section 42. Subsection (3) of section 475.615, Florida  
1927 Statutes, is amended to read:

1928 475.615 Qualifications for registration or certification.-

1929 (3) Appropriate fees, as set forth in the rules of the  
1930 board pursuant to s. 475.6147, and a set of fingerprints  
1931 ~~fingerprint card~~ must accompany all applications for  
1932 registration or certification. The fingerprints ~~fingerprint card~~  
1933 shall be forwarded to the Division of Criminal Justice  
1934 Information Systems within the Department of Law Enforcement for  
1935 ~~purposes of processing the fingerprint card~~ to determine whether  
1936 ~~if~~ the applicant has a criminal history record. The fingerprints  
1937 ~~fingerprint card~~ shall also be forwarded to the Federal Bureau  
1938 of Investigation ~~for purposes of processing the fingerprint card~~  
1939 to determine whether ~~if~~ the applicant has a criminal history  
1940 record. The information obtained by the processing of the  
1941 fingerprints ~~fingerprint card~~ by the Department of Law  
1942 Enforcement and the Federal Bureau of Investigation shall be  
1943 sent to the department to determine whether ~~for the purpose of~~

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1944 ~~determining if the applicant is statutorily qualified for~~  
1945 ~~registration or certification. Effective July 1, 2006, an~~  
1946 ~~applicant must provide fingerprints in electronic format.~~

1947 Section 43. Paragraph (j) of subsection (3) of section  
1948 493.6105, Florida Statutes, is amended to read:

1949 493.6105 Initial application for license.—

1950 (3) The application must contain the following information  
1951 concerning the individual signing the application:

1952 (j) A full set of fingerprints ~~on a card provided by the~~  
1953 ~~department~~ and a fingerprint fee to be established by rule of  
1954 the department based upon costs determined by state and federal  
1955 agency charges and department processing costs. An applicant who  
1956 has, within the immediately preceding 6 months, submitted such  
1957 fingerprints ~~a fingerprint card~~ and fee for licensing purposes  
1958 under this chapter is not required to submit another set of  
1959 fingerprints ~~fingerprint card~~ or fee.

1960 Section 44. Paragraph (a) of subsection (1) of section  
1961 493.6108, Florida Statutes, is amended to read:

1962 493.6108 Investigation of applicants by Department of  
1963 Agriculture and Consumer Services.—

1964 (1) Except as otherwise provided, the department must  
1965 investigate an applicant for a license under this chapter before  
1966 it may issue the license. The investigation must include:

1967 (a)1. An examination of fingerprint records and police  
1968 records. If a criminal history record check of any applicant  
1969 under this chapter is performed by means of fingerprint ~~card~~  
1970 identification, the time limitations prescribed by s. 120.60(1)  
1971 shall be tolled during the time the applicant's fingerprints are  
1972 ~~fingerprint card is~~ under review by the Department of Law

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1973 Enforcement or the United States Department of Justice, Federal  
1974 Bureau of Investigation.

1975         2. If a legible set of fingerprints, as determined by the  
1976 Department of Law Enforcement or the Federal Bureau of  
1977 Investigation, cannot be obtained after two attempts, the  
1978 Department of Agriculture and Consumer Services may determine  
1979 the applicant's eligibility based upon a criminal history record  
1980 check under the applicant's name conducted by the Department of  
1981 Law Enforcement if the fingerprints are taken by a law  
1982 enforcement agency or the department and the applicant submits a  
1983 written statement signed by the fingerprint technician or a  
1984 licensed physician stating that there is a physical condition  
1985 that precludes obtaining a legible set of fingerprints or that  
1986 the fingerprints taken are the best that can be obtained.

1987         Section 45. Paragraph (f) of subsection (2) of section  
1988 494.00312, Florida Statutes, is amended to read:

1989         494.00312 Loan originator license.—

1990         (2) In order to apply for a loan originator license, an  
1991 applicant must:

1992         (f) Submit fingerprints in accordance with rules adopted by  
1993 the commission:

1994         1. The fingerprints may be submitted to the registry, the  
1995 office, or a vendor acting on behalf of the registry or the  
1996 office.

1997         2. The office may contract with a third-party vendor to  
1998 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~  
1999 ~~card.~~

2000         3. A state criminal history background check must be  
2001 conducted through the Department of Law Enforcement, and a

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2002 federal criminal history background check must be conducted  
2003 through the Federal Bureau of Investigation.

2004 4. All fingerprints submitted to the Department of Law  
2005 Enforcement must be submitted electronically and entered into  
2006 the statewide automated biometric fingerprint identification  
2007 system established in s. 943.05(2)(b) and available for use in  
2008 accordance with s. 943.05(2)(g) and (h). The office shall pay an  
2009 annual fee to the department to participate in the system and  
2010 inform the department of any person whose fingerprints are no  
2011 longer required to be retained.

2012 5. The costs of fingerprint processing, including the cost  
2013 of retaining the fingerprints, shall be borne by the person  
2014 subject to the background check.

2015 6. The office is responsible for reviewing the results of  
2016 the state and federal criminal history checks and determining  
2017 whether the applicant meets licensure requirements.

2018 Section 46. Paragraph (d) of subsection (2) of section  
2019 494.00321, Florida Statutes, is amended to read:

2020 494.00321 Mortgage broker license.—

2021 (2) In order to apply for a mortgage broker license, an  
2022 applicant must:

2023 (d) Submit fingerprints for each of the applicant's control  
2024 persons in accordance with rules adopted by the commission:

2025 1. The fingerprints may be submitted to the registry, the  
2026 office, or a vendor acting on behalf of the registry or the  
2027 office.

2028 2. The office may contract with a third-party vendor to  
2029 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~  
2030 ~~card~~.

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2031           3. A state criminal history background check must be  
2032 conducted through the Department of Law Enforcement, and a  
2033 federal criminal history background check must be conducted  
2034 through the Federal Bureau of Investigation.

2035           4. All fingerprints submitted to the Department of Law  
2036 Enforcement must be submitted electronically and entered into  
2037 the statewide automated biometric ~~fingerpr~~int identification  
2038 system established in s. 943.05(2)(b) and available for use in  
2039 accordance with s. 943.05(2)(g) and (h). The office shall pay an  
2040 annual fee to the department to participate in the system and  
2041 inform the department of any person whose fingerprints are no  
2042 longer required to be retained.

2043           5. The costs of fingerprint processing, including the cost  
2044 of retaining the fingerprints, shall be borne by the person  
2045 subject to the background check.

2046           6. The office is responsible for reviewing the results of  
2047 the state and federal criminal history checks and determining  
2048 whether the applicant meets licensure requirements.

2049           Section 47. Paragraph (d) of subsection (2) of section  
2050 494.00611, Florida Statutes, is amended to read:

2051           494.00611 Mortgage lender license.—

2052           (2) In order to apply for a mortgage lender license, an  
2053 applicant must:

2054           (d) Submit fingerprints for each of the applicant's control  
2055 persons in accordance with rules adopted by the commission:

2056           1. The fingerprints may be submitted to the registry, the  
2057 office, or a vendor acting on behalf of the registry or the  
2058 office.

2059           2. The office may contract with a third-party vendor to

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2060 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~  
2061 ~~card.~~

2062 3. A state criminal history background check must be  
2063 conducted through the Department of Law Enforcement, and a  
2064 federal criminal history background check must be conducted  
2065 through the Federal Bureau of Investigation.

2066 4. All fingerprints submitted to the Department of Law  
2067 Enforcement must be submitted electronically and entered into  
2068 the statewide automated biometric ~~fingerprint~~ identification  
2069 system established in s. 943.05(2)(b) and available for use in  
2070 accordance with s. 943.05(2)(g) and (h). The office shall pay an  
2071 annual fee to the department to participate in the system and  
2072 inform the department of any person whose fingerprints are no  
2073 longer required to be retained.

2074 5. The costs of fingerprint processing, including the cost  
2075 of retaining the fingerprints, shall be borne by the person  
2076 subject to the background check.

2077 6. The office is responsible for reviewing the results of  
2078 the state and federal criminal history checks and determining  
2079 whether the applicant meets licensure requirements.

2080 Section 48. Subsections (7) and (10) of section 517.12,  
2081 Florida Statutes, are amended to read:

2082 517.12 Registration of dealers, associated persons,  
2083 investment advisers, and branch offices.—

2084 (7) The application shall also contain such information as  
2085 the commission or office may require about the applicant; any  
2086 member, principal, or director of the applicant or any person  
2087 having a similar status or performing similar functions; any  
2088 person directly or indirectly controlling the applicant; or any



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2089 employee of a dealer or of an investment adviser rendering  
2090 investment advisory services. Each applicant and any direct  
2091 owners, principals, or indirect owners that are required to be  
2092 reported on Form BD or Form ADV pursuant to subsection (15)  
2093 shall file a complete set of fingerprints. Fingerprints A  
2094 ~~fingerprint card~~ submitted to the office must be taken by an  
2095 authorized law enforcement agency or in a manner approved by the  
2096 commission by rule. The office shall submit the fingerprints to  
2097 the Department of Law Enforcement for state processing, and the  
2098 Department of Law Enforcement shall forward the fingerprints to  
2099 the Federal Bureau of Investigation for federal processing. The  
2100 cost of the fingerprint processing may be borne by the office,  
2101 the employer, or the person subject to the background check. The  
2102 Department of Law Enforcement shall submit an invoice to the  
2103 office for the fingerprints received each month. The office  
2104 shall screen the background results to determine whether ~~if~~ the  
2105 applicant meets licensure requirements. The commission may  
2106 waive, by rule, the requirement that applicants, including any  
2107 direct owners, principals, or indirect owners that are required  
2108 to be reported on Form BD or Form ADV pursuant to subsection  
2109 (15), file a set of fingerprints or the requirement that such  
2110 fingerprints be processed by the Department of Law Enforcement  
2111 or the Federal Bureau of Investigation. The commission or office  
2112 may require information about any such applicant or person  
2113 concerning such matters as:

2114 (a) His or her full name, and any other names by which he  
2115 or she may have been known, and his or her age, social security  
2116 number, photograph, qualifications, and educational and business  
2117 history.

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2118 (b) Any injunction or administrative order by a state or  
2119 federal agency, national securities exchange, or national  
2120 securities association involving a security or any aspect of the  
2121 securities business and any injunction or administrative order  
2122 by a state or federal agency regulating banking, insurance,  
2123 finance, or small loan companies, real estate, mortgage brokers,  
2124 or other related or similar industries, which injunctions or  
2125 administrative orders relate to such person.

2126 (c) His or her conviction of, or plea of nolo contendere  
2127 to, a criminal offense or his or her commission of any acts  
2128 which would be grounds for refusal of an application under s.  
2129 517.161.

2130 (d) The names and addresses of other persons of whom the  
2131 office may inquire as to his or her character, reputation, and  
2132 financial responsibility.

2133 (10) An applicant for registration shall pay an assessment  
2134 fee of \$200, in the case of a dealer or investment adviser, or  
2135 \$50, in the case of an associated person. An associated person  
2136 may be assessed an additional fee to cover the cost for the  
2137 fingerprints ~~fingerprints cards~~ to be processed by the office.  
2138 Such fee shall be determined by rule of the commission. Each  
2139 dealer and each investment adviser shall pay an assessment fee  
2140 of \$100 for each office in this state. Such fees become the  
2141 revenue of the state, except for those assessments provided for  
2142 under s. 517.131(1) until such time as the Securities Guaranty  
2143 Fund satisfies the statutory limits, and are not returnable in  
2144 the event that registration is withdrawn or not granted.

2145 Section 49. Subsection (2) of section 538.09, Florida  
2146 Statutes, is amended to read:

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2147 538.09 Registration.—

2148 (2) The secondhand dealer shall furnish with her or his  
2149 registration a complete set of her or his fingerprints,  
2150 certified by an authorized law enforcement officer, and a recent  
2151 fullface photographic identification card of herself or himself.  
2152 The Department of Law Enforcement shall report its findings to  
2153 the Department of Revenue within 30 days after the date the  
2154 fingerprints ~~fingerprint cards~~ are submitted for criminal  
2155 justice information.

2156 Section 50. Paragraph (b) of subsection (1) of section  
2157 538.25, Florida Statutes, is amended to read:

2158 538.25 Registration.—

2159 (1) A person may not engage in business as a secondary  
2160 metals recycler at any location without registering with the  
2161 department. The department shall accept applications only from a  
2162 fixed business address. The department may not accept an  
2163 application that provides an address of a hotel room or motel  
2164 room, a vehicle, or a post office box.

2165 (b) The department shall forward the full set of  
2166 fingerprints to the Department of Law Enforcement for state and  
2167 federal processing, provided the federal service is available,  
2168 to be processed for any criminal justice information as defined  
2169 in s. 943.045. The cost of processing such fingerprints shall be  
2170 payable to the Department of Law Enforcement by the department.  
2171 The department may issue a temporary registration to each  
2172 location pending completion of the background check by state and  
2173 federal law enforcement agencies, but shall revoke such  
2174 temporary registration if the completed background check reveals  
2175 a prohibited criminal background. The Department of Law

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2176 Enforcement shall report its findings to the Department of  
2177 Revenue within 30 days after the date the fingerprints  
2178 ~~fingerprint cards~~ are submitted for criminal justice  
2179 information.

2180 Section 51. Subsection (2) of section 548.024, Florida  
2181 Statutes, is amended to read:

2182 548.024 Background investigation of applicants for  
2183 licensure.—

2184 (2) If the commission requires a background criminal  
2185 history investigation of any applicant, it shall require the  
2186 applicant to submit to the department fingerprints ~~a fingerprint~~  
2187 ~~card~~ for this purpose. The fingerprints ~~fingerprint card~~ shall  
2188 be forwarded to the Division of Criminal Justice Information  
2189 Systems within the Department of Law Enforcement and the Federal  
2190 Bureau of Investigation for ~~purposes of~~ processing ~~the~~  
2191 ~~fingerprint card~~ to determine whether ~~if~~ the applicant has a  
2192 criminal history record. The information obtained by the  
2193 processing of the fingerprints ~~fingerprint card~~ by the  
2194 Department of Law Enforcement and the Federal Bureau of  
2195 Investigation shall be sent to the department to determine  
2196 whether ~~for the purpose of determining if~~ the applicant is  
2197 statutorily qualified for licensure.

2198 Section 52. Paragraphs (b) and (c) of subsection (10) of  
2199 section 550.105, Florida Statutes, are amended to read:

2200 550.105 Occupational licenses of racetrack employees; fees;  
2201 denial, suspension, and revocation of license; penalties and  
2202 fines.—

2203 (10)

2204 (b) All fingerprints required by this section that are

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2205 submitted to the Department of Law Enforcement shall be retained  
2206 by the Department of Law Enforcement and entered into the  
2207 statewide automated biometric ~~fingerprint~~ identification system  
2208 as authorized by s. 943.05(2)(b) and shall be available for all  
2209 purposes and uses authorized for arrest fingerprints ~~fingerprint~~  
2210 ~~cards~~ entered into the statewide automated biometric ~~fingerprint~~  
2211 identification system pursuant to s. 943.051.

2212 (c) The Department of Law Enforcement shall search all  
2213 arrest fingerprints received pursuant to s. 943.051 against the  
2214 fingerprints retained in the statewide automated biometric  
2215 ~~fingerprint~~ identification system under paragraph (b). Any  
2216 arrest record that is identified with the retained fingerprints  
2217 of a person subject to the criminal history screening  
2218 requirements of this section shall be reported to the division.  
2219 Each licensee shall pay a fee to the division for the cost of  
2220 retention of the fingerprints and the ongoing searches under  
2221 this paragraph. The division shall forward the payment to the  
2222 Department of Law Enforcement. The amount of the fee to be  
2223 imposed for performing these searches and the procedures for the  
2224 retention of licensee fingerprints shall be as established by  
2225 rule of the Department of Law Enforcement. The division shall  
2226 inform the Department of Law Enforcement of any change in the  
2227 license status of licensees whose fingerprints are retained  
2228 under paragraph (b).

2229 Section 53. Subsection (2) of section 550.908, Florida  
2230 Statutes, is amended to read:

2231 550.908 Powers and duties of compact committee.—In order to  
2232 carry out the purposes of this compact, the compact committee  
2233 has the power and duty to:

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2234 (2) Investigate applicants for licensure by the compact  
2235 committee and, as permitted by federal and state law, gather  
2236 information on such applicants, including criminal history  
2237 record information from the Federal Bureau of Investigation and  
2238 relevant state and local law enforcement agencies, and, where  
2239 appropriate, from the Royal Canadian Mounted Police and law  
2240 enforcement agencies of other countries, which is necessary to  
2241 determine whether a license should be issued under the licensure  
2242 requirements established by the committee under subsection (1).  
2243 The fingerprints of each applicant for licensure by the compact  
2244 committee shall be taken by the compact committee, its  
2245 employees, or its designee, and, pursuant to Pub. L. No. 92-544  
2246 or Pub. L. No. 100-413, shall be forwarded to a state  
2247 identification bureau or to the Association of Racing  
2248 Commissioners International, Inc., for submission to the Federal  
2249 Bureau of Investigation for a criminal history record check.  
2250 Such fingerprints may be submitted ~~on a fingerprint card or~~ by  
2251 electronic or other means authorized by the Federal Bureau of  
2252 Investigation or other receiving law enforcement agency.

2253 Section 54. Paragraphs (c) and (d) of subsection (7) of  
2254 section 551.107, Florida Statutes, are amended to read:

2255 551.107 Slot machine occupational license; findings;  
2256 application; fee.—

2257 (7) Fingerprints for all slot machine occupational license  
2258 applications shall be taken in a manner approved by the division  
2259 and shall be submitted electronically to the Department of Law  
2260 Enforcement for state processing and the Federal Bureau of  
2261 Investigation for national processing for a criminal history  
2262 record check. All persons as specified in s. 550.1815(1)(a)

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2263 employed by or working within a licensed premises shall submit  
2264 fingerprints for a criminal history record check and may not  
2265 have been convicted of any disqualifying criminal offenses  
2266 specified in subsection (6). Division employees and law  
2267 enforcement officers assigned by their employing agencies to  
2268 work within the premises as part of their official duties are  
2269 excluded from the criminal history record check requirements  
2270 under this subsection. For purposes of this subsection, the term  
2271 "convicted" means having been found guilty, with or without  
2272 adjudication of guilt, as a result of a jury verdict, nonjury  
2273 trial, or entry of a plea of guilty or nolo contendere.

2274 (c) All fingerprints submitted to the Department of Law  
2275 Enforcement and required by this section shall be retained by  
2276 the Department of Law Enforcement and entered into the statewide  
2277 automated biometric fingerprint identification system as  
2278 authorized by s. 943.05(2)(b) and shall be available for all  
2279 purposes and uses authorized for arrest fingerprints fingerprint  
2280 ~~cards~~ entered into the statewide automated biometric fingerprint  
2281 identification system pursuant to s. 943.051.

2282 (d) The Department of Law Enforcement shall search all  
2283 arrest fingerprints received pursuant to s. 943.051 against the  
2284 fingerprints retained in the statewide automated biometric  
2285 ~~fingerprint~~ identification system under paragraph (c). Any  
2286 arrest record that is identified with the retained fingerprints  
2287 of a person subject to the criminal history screening  
2288 requirements of this section shall be reported to the division.  
2289 Each licensed facility shall pay a fee to the division for the  
2290 cost of retention of the fingerprints and the ongoing searches  
2291 under this paragraph. The division shall forward the payment to

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2292 the Department of Law Enforcement. The amount of the fee to be  
2293 imposed for performing these searches and the procedures for the  
2294 retention of licensee fingerprints shall be as established by  
2295 rule of the Department of Law Enforcement. The division shall  
2296 inform the Department of Law Enforcement of any change in the  
2297 license status of licensees whose fingerprints are retained  
2298 under paragraph (c).

2299 Section 55. Paragraph (b) of subsection (1) of section  
2300 560.141, Florida Statutes, is amended to read:

2301 560.141 License application.—

2302 (1) To apply for a license as a money services business  
2303 under this chapter the applicant must:

2304 (b) In addition to the application form, submit:

2305 1. A nonrefundable application fee as provided in s.  
2306 560.143.

2307 2. A set of fingerprints ~~fingerprint card~~ for each of the  
2308 persons listed in subparagraph (a)3. unless the applicant is a  
2309 publicly traded corporation, or is exempted from this chapter  
2310 under s. 560.104(1). The fingerprints must be taken by an  
2311 authorized law enforcement agency. The office shall submit the  
2312 fingerprints to the Department of Law Enforcement for state  
2313 processing, and the Department of Law Enforcement shall forward  
2314 the fingerprints to the Federal Bureau of Investigation for  
2315 federal processing. The cost of the fingerprint processing may  
2316 be borne by the office, the employer, or the person subject to  
2317 the criminal records background check. The office shall screen  
2318 the background results to determine whether ~~if~~ the applicant  
2319 meets licensure requirements. As used in this section, the term  
2320 "publicly traded" means a stock is currently traded on a



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2321 national securities exchange registered with the federal  
2322 Securities and Exchange Commission or traded on an exchange in a  
2323 country other than the United States regulated by a regulator  
2324 equivalent to the Securities and Exchange Commission and the  
2325 disclosure and reporting requirements of such regulator are  
2326 substantially similar to those of the commission.

2327 3. A copy of the applicant's written anti-money laundering  
2328 program required under 31 C.F.R. s. 103.125.

2329 4. Within the time allotted by rule, any information needed  
2330 to resolve any deficiencies found in the application.

2331 Section 56. Subsection (1) of section 628.906, Florida  
2332 Statutes, is amended to read:

2333 628.906 Application requirements; restrictions on  
2334 eligibility of officers and directors.—

2335 (1) To evidence competence and trustworthiness of its  
2336 officers and directors, the application for a license to act as  
2337 a captive insurance company or captive reinsurance company shall  
2338 include, but not be limited to, background investigations,  
2339 biographical affidavits, and fingerprints ~~fingerprint cards~~ for  
2340 all officers and directors. Fingerprints must be taken by a law  
2341 enforcement agency or other entity approved by the office, be  
2342 accompanied by the fingerprint processing fee specified in s.  
2343 624.501, and processed in accordance with s. 624.34.

2344 Section 57. Subsection (3) of section 633.34, Florida  
2345 Statutes, is amended to read:

2346 633.34 Firefighters; qualifications for employment.—Any  
2347 person applying for employment as a firefighter must:

2348 (3) Submit a set of fingerprints ~~fingerprint card~~ to the  
2349 division with a current processing fee. The fingerprints

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2350 ~~fingerprint card~~ will be forwarded to the Department of Law  
2351 Enforcement and/or the Federal Bureau of Investigation.

2352 Section 58. Subsections (2) and (3) and paragraphs (b) and  
2353 (c) of subsection (4) of section 744.3135, Florida Statutes, are  
2354 amended to read:

2355 744.3135 Credit and criminal investigation.—

2356 (2) For nonprofessional guardians, the court shall accept  
2357 the satisfactory completion of a criminal history record check  
2358 as described in this subsection. A nonprofessional guardian  
2359 satisfies the requirements of this section by undergoing a state  
2360 and national criminal history record check using fingerprints ~~a~~  
2361 ~~fingerprint card~~. ~~The clerk of the court shall obtain~~  
2362 ~~fingerprint cards from the Federal Bureau of Investigation and~~  
2363 ~~make them available to nonprofessional guardians~~. Any  
2364 nonprofessional guardian who is so required shall have his or  
2365 her fingerprints taken and forward them ~~the completed~~  
2366 ~~fingerprint card~~ along with the necessary fee to the Department  
2367 of Law Enforcement for processing. The results of the  
2368 fingerprint ~~card~~ criminal history record check shall be  
2369 forwarded to the clerk of the court, who shall maintain the  
2370 results in the nonprofessional guardian's file and make the  
2371 results available to the court.

2372 (3) For professional guardians, the court and the Statewide  
2373 Public Guardianship Office shall accept the satisfactory  
2374 completion of a criminal history record check by any method  
2375 described in this subsection. A professional guardian satisfies  
2376 the requirements of this section by undergoing~~g~~

2377 ~~(a)~~ an electronic fingerprint criminal history record  
2378 check. A professional guardian may use any electronic

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2379 fingerprinting equipment used for criminal history record  
2380 checks. The Statewide Public Guardianship Office shall adopt a  
2381 rule detailing the acceptable methods for completing an  
2382 electronic fingerprint criminal history record check under this  
2383 section. The professional guardian shall pay the actual costs  
2384 incurred by the Federal Bureau of Investigation and the  
2385 Department of Law Enforcement for the criminal history record  
2386 check. The entity completing the record check must immediately  
2387 send the results of the criminal history record check to the  
2388 clerk of the court and the Statewide Public Guardianship Office.  
2389 The clerk of the court shall maintain the results in the  
2390 professional guardian's file and shall make the results  
2391 available to the court; ~~or~~

2392 ~~(b) A criminal history record check using a fingerprint~~  
2393 ~~card. The clerk of the court shall obtain fingerprint cards from~~  
2394 ~~the Federal Bureau of Investigation and make them available to~~  
2395 ~~guardians. Any guardian who is so required shall have his or her~~  
2396 ~~fingerprints taken and forward the proper fingerprint card along~~  
2397 ~~with the necessary fee to the Department of Law Enforcement for~~  
2398 ~~processing. The results of the fingerprint card criminal history~~  
2399 ~~record checks shall be forwarded to the clerk of the court, who~~  
2400 ~~shall maintain the results in the guardian's file and make the~~  
2401 ~~results available to the court and the Statewide Public~~  
2402 ~~Guardianship Office.~~

2403 (4)

2404 (b) All fingerprints electronically submitted to the  
2405 Department of Law Enforcement under this section shall be  
2406 retained by the Department of Law Enforcement in a manner  
2407 provided by rule and entered in the statewide automated

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2408 ~~biometric fingerprint~~ identification system authorized by s.  
2409 943.05(2)(b). The fingerprints shall thereafter be available for  
2410 all purposes and uses authorized for arrest fingerprints  
2411 ~~fingerprint cards~~ entered in the Criminal Justice Information  
2412 Program under s. 943.051.

2413 (c) The Department of Law Enforcement shall search all  
2414 arrest fingerprints ~~fingerprint cards~~ received under s. 943.051  
2415 against the fingerprints retained in the statewide automated  
2416 biometric fingerprint identification system under paragraph (b).  
2417 Any arrest record that is identified with the fingerprints of a  
2418 person described in this paragraph must be reported to the clerk  
2419 of court. The clerk of court must forward any arrest record  
2420 received for a professional guardian to the Statewide Public  
2421 Guardianship Office within 5 days. Each professional guardian  
2422 who elects to submit fingerprint information electronically  
2423 shall participate in this search process by paying an annual fee  
2424 to the Statewide Public Guardianship Office of the Department of  
2425 Elderly Affairs and by informing the clerk of court and the  
2426 Statewide Public Guardianship Office of any change in the status  
2427 of his or her guardianship appointment. The amount of the annual  
2428 fee to be imposed for performing these searches and the  
2429 procedures for the retention of professional guardian  
2430 fingerprints and the dissemination of search results shall be  
2431 established by rule of the Department of Law Enforcement. At  
2432 least once every 5 years, the Statewide Public Guardianship  
2433 Office must request that the Department of Law Enforcement  
2434 forward the fingerprints maintained under this section to the  
2435 Federal Bureau of Investigation.

2436 Section 59. Paragraph (b) of subsection (5) of section

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2437 775.21, Florida Statutes, is amended to read:

2438 775.21 The Florida Sexual Predators Act.—

2439 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated  
2440 as a sexual predator as follows:

2441 (b) If a sexual predator is not sentenced to a term of  
2442 imprisonment, the clerk of the court shall ensure that the  
2443 sexual predator's fingerprints are taken and forwarded to the  
2444 department within 48 hours after the court renders its written  
2445 sexual predator finding. The fingerprints ~~fingerprint card~~ shall  
2446 be clearly marked, "Sexual Predator Registration ~~Card~~." The  
2447 clerk of the court that convicts and sentences the sexual  
2448 predator for the offense or offenses described in subsection (4)  
2449 shall forward to the department and to the Department of  
2450 Corrections a certified copy of any order entered by the court  
2451 imposing any special condition or restriction on the sexual  
2452 predator that ~~which~~ restricts or prohibits access to the victim,  
2453 if the victim is a minor, or to other minors.

2454 Section 60. Paragraph (d) of subsection (3) of section  
2455 775.261, Florida Statutes, is amended to read:

2456 775.261 The Florida Career Offender Registration Act.—

2457 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

2458 (d) If a career offender is not sentenced to a term of  
2459 imprisonment, the clerk of the court shall ensure that the  
2460 career offender's fingerprints are taken and forwarded to the  
2461 department within 48 hours after the court renders its finding  
2462 that an offender is a career offender. The fingerprints  
2463 ~~fingerprint card~~ shall be clearly marked, "Career Offender  
2464 Registration ~~Card~~."

2465 Section 61. Paragraph (a) of subsection (11) of section

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2466 790.06, Florida Statutes, is amended to read:

2467 790.06 License to carry concealed weapon or firearm.—

2468 (11) (a) No less than 90 days before the expiration date of  
2469 the license, the Department of Agriculture and Consumer Services  
2470 shall mail to each licensee a written notice of the expiration  
2471 and a renewal form prescribed by the Department of Agriculture  
2472 and Consumer Services. The licensee must renew his or her  
2473 license on or before the expiration date by filing with the  
2474 Department of Agriculture and Consumer Services the renewal form  
2475 containing a notarized affidavit stating that the licensee  
2476 remains qualified pursuant to the criteria specified in  
2477 subsections (2) and (3), a color photograph as specified in  
2478 paragraph (5) (e), and the required renewal fee. Out-of-state  
2479 residents must also submit a complete set of fingerprints  
2480 ~~completed fingerprint card~~ and fingerprint processing fee. The  
2481 license shall be renewed upon receipt of the completed renewal  
2482 form, color photograph, appropriate payment of fees, and, if  
2483 applicable, fingerprints ~~a completed fingerprint card~~.  
2484 Additionally, a licensee who fails to file a renewal application  
2485 on or before its expiration date must renew his or her license  
2486 by paying a late fee of \$15. A license may not be renewed 180  
2487 days or more after its expiration date, and such a license is  
2488 deemed to be permanently expired. A person whose license has  
2489 been permanently expired may reapply for licensure; however, an  
2490 application for licensure and fees under subsection (5) must be  
2491 submitted, and a background investigation shall be conducted  
2492 pursuant to this section. A person who knowingly files false  
2493 information under this subsection is subject to criminal  
2494 prosecution under s. 837.06.

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2495 Section 62. Subsection (3) of section 944.607, Florida  
2496 Statutes, is amended to read:

2497 944.607 Notification to Department of Law Enforcement of  
2498 information on sexual offenders.—

2499 (3) If a sexual offender is not sentenced to a term of  
2500 imprisonment, the clerk of the court shall ensure that the  
2501 sexual offender's fingerprints are taken and forwarded to the  
2502 Department of Law Enforcement within 48 hours after the court  
2503 sentences the offender. The fingerprints ~~fingerprint card~~ shall  
2504 be clearly marked "Sexual Offender Registration ~~Card~~."

2505 Section 63. Subsection (2) of section 944.608, Florida  
2506 Statutes, is amended to read:

2507 944.608 Notification to Department of Law Enforcement of  
2508 information on career offenders.—

2509 (2) If a career offender is not sentenced to a term of  
2510 imprisonment, the clerk of the court shall ensure that the  
2511 career offender's fingerprints are taken and forwarded to the  
2512 Department of Law Enforcement within 48 hours after the court  
2513 sentences the career offender. The fingerprints ~~fingerprint card~~  
2514 shall be clearly marked "Career Offender Registration ~~Card~~."

2515 Section 64. Paragraph (b) of subsection (1) of section  
2516 985.11, Florida Statutes, is amended to read:

2517 985.11 Fingerprinting and photographing.—

2518 (1)

2519 (b) A child who is charged with or found to have committed  
2520 one of the following offenses shall be fingerprinted, and the  
2521 fingerprints shall be submitted to the Department of Law  
2522 Enforcement as provided in s. 943.051(3)(b):

2523 1. Assault, as defined in s. 784.011.

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- 2524 2. Battery, as defined in s. 784.03.
- 2525 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 2526 4. Unlawful use of destructive devices or bombs, as defined
- 2527 in s. 790.1615(1).
- 2528 5. Neglect ~~Negligent treatment of a child~~ children, as
- 2529 defined in s. 827.03(1)(e) ~~former s. 827.05~~.
- 2530 6. Assault on a law enforcement officer, a firefighter, or
- 2531 other specified officers, as defined in s. 784.07(2)(a).
- 2532 7. Open carrying of a weapon, as defined in s. 790.053.
- 2533 8. Exposure of sexual organs, as defined in s. 800.03.
- 2534 9. Unlawful possession of a firearm, as defined in s.
- 2535 790.22(5).
- 2536 10. Petit theft, as defined in s. 812.014.
- 2537 11. Cruelty to animals, as defined in s. 828.12(1).
- 2538 12. Arson, resulting in bodily harm to a firefighter, as
- 2539 defined in s. 806.031(1).
- 2540 13. Unlawful possession or discharge of a weapon or firearm
- 2541 at a school-sponsored event or on school property as defined in
- 2542 s. 790.115.

2543

2544 A law enforcement agency may fingerprint and photograph a child

2545 taken into custody upon probable cause that such child has

2546 committed any other violation of law, as the agency deems

2547 appropriate. Such fingerprint records and photographs shall be

2548 retained by the law enforcement agency in a separate file, and

2549 these records and all copies thereof must be marked "Juvenile

2550 Confidential." These records are not available for public

2551 disclosure and inspection under s. 119.07(1) except as provided

2552 in ss. 943.053 and 985.04(2), but shall be available to other



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2553 law enforcement agencies, criminal justice agencies, state  
2554 attorneys, the courts, the child, the parents or legal  
2555 custodians of the child, their attorneys, and any other person  
2556 authorized by the court to have access to such records. In  
2557 addition, such records may be submitted to the Department of Law  
2558 Enforcement for inclusion in the state criminal history records  
2559 and used by criminal justice agencies for criminal justice  
2560 purposes. These records may, in the discretion of the court, be  
2561 open to inspection by anyone upon a showing of cause. The  
2562 fingerprint and photograph records shall be produced in the  
2563 court whenever directed by the court. Any photograph taken  
2564 pursuant to this section may be shown by a law enforcement  
2565 officer to any victim or witness of a crime for the purpose of  
2566 identifying the person who committed such crime.

2567 Section 65. Paragraphs (c) and (e) of subsection (3) of  
2568 section 985.644, Florida Statutes, are amended to read:

2569 985.644 Departmental contracting powers; personnel  
2570 standards and screening.—

2571 (3)

2572 (c) All fingerprint information electronically submitted to  
2573 the Department of Law Enforcement under paragraph (b) shall be  
2574 retained by the Department of Law Enforcement and entered into  
2575 the statewide automated biometric ~~fingerprint~~ identification  
2576 system authorized by s. 943.05(2)(b). Thereafter, such  
2577 fingerprint information shall be available for all purposes and  
2578 uses authorized for arrest fingerprint information entered into  
2579 the statewide automated biometric ~~fingerprint~~ identification  
2580 system pursuant to s. 943.051 until the fingerprint information  
2581 is removed pursuant to paragraph (e). The Department of Law

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2582 Enforcement shall search all arrest fingerprint information  
2583 received pursuant to s. 943.051 against the fingerprint  
2584 information entered into the statewide automated biometric  
2585 identification ~~fingerprint~~ system pursuant to this subsection.  
2586 Any arrest records identified as a result of the search shall be  
2587 reported to the department in the manner and timeframe  
2588 established by the Department of Law Enforcement by rule.

2589 (e) The department shall notify the Department of Law  
2590 Enforcement when a person whose fingerprint information is  
2591 retained by the Department of Law Enforcement under this  
2592 subsection is no longer employed by the department, or by a  
2593 provider under contract with the department, in a delinquency  
2594 facility, service, or program. This notice shall be provided by  
2595 the department to the Department of Law Enforcement within 6  
2596 months after the date of the change in the person's employment  
2597 status. Fingerprint information for persons identified by the  
2598 department in the notice shall be removed from the statewide  
2599 automated biometric identification ~~fingerprint~~ system.

2600 Section 66. Subsection (3) of section 985.4815, Florida  
2601 Statutes, is amended to read:

2602 985.4815 Notification to Department of Law Enforcement of  
2603 information on juvenile sexual offenders.—

2604 (3) If a sexual offender is not sentenced to a term of  
2605 residential commitment, the clerk of the court shall ensure that  
2606 the sexual offender's fingerprints are taken and forwarded to  
2607 the Department of Law Enforcement within 48 hours after the  
2608 court sentences the offender. The fingerprints ~~fingerprint card~~  
2609 shall be clearly marked "Sexual Offender Registration ~~Card~~."

2610 Section 67. Paragraph (b) of subsection (6) of section

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2611 1002.395, Florida Statutes, is amended to read:

2612 1002.395 Florida Tax Credit Scholarship Program.—

2613 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
2614 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
2615 organization:

2616 (b) Must comply with the following background check  
2617 requirements:

2618 1. All owners and operators as defined in subparagraph  
2619 (2) (h)1. are, upon employment or engagement to provide services,  
2620 subject to level 2 background screening as provided under  
2621 chapter 435. The fingerprints for the background screening must  
2622 be electronically submitted to the Department of Law Enforcement  
2623 and can be taken by an authorized law enforcement agency or by  
2624 an employee of the eligible nonprofit scholarship-funding  
2625 organization or a private company who is trained to take  
2626 fingerprints. However, the complete set of fingerprints of an  
2627 owner or operator may not be taken by the owner or operator. The  
2628 results of the state and national criminal history check shall  
2629 be provided to the Department of Education for screening under  
2630 chapter 435. The cost of the background screening may be borne  
2631 by the eligible nonprofit scholarship-funding organization or  
2632 the owner or operator.

2633 2. Every 5 years following employment or engagement to  
2634 provide services or association with an eligible nonprofit  
2635 scholarship-funding organization, each owner or operator must  
2636 meet level 2 screening standards as described in s. 435.04, at  
2637 which time the nonprofit scholarship-funding organization shall  
2638 request the Department of Law Enforcement to forward the  
2639 fingerprints to the Federal Bureau of Investigation for level 2

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2640 screening. If the fingerprints of an owner or operator are not  
2641 retained by the Department of Law Enforcement under subparagraph  
2642 3., the owner or operator must electronically file a complete  
2643 set of fingerprints with the Department of Law Enforcement. Upon  
2644 submission of fingerprints for this purpose, the eligible  
2645 nonprofit scholarship-funding organization shall request that  
2646 the Department of Law Enforcement forward the fingerprints to  
2647 the Federal Bureau of Investigation for level 2 screening, and  
2648 the fingerprints shall be retained by the Department of Law  
2649 Enforcement under subparagraph 3.

2650 3. ~~Beginning July 1, 2007,~~ All fingerprints submitted to  
2651 the Department of Law Enforcement as required by this paragraph  
2652 must be retained by the Department of Law Enforcement in a  
2653 manner approved by rule and entered in the statewide automated  
2654 biometric fingerprint identification system authorized by s.  
2655 943.05(2)(b). The fingerprints must thereafter be available for  
2656 all purposes and uses authorized for arrest fingerprints  
2657 ~~fingerprint cards~~ entered in the statewide automated biometric  
2658 ~~fingerprint~~ identification system pursuant to s. 943.051.

2659 4. ~~Beginning July 1, 2007,~~ The Department of Law  
2660 Enforcement shall search all arrest fingerprints ~~fingerprint~~  
2661 ~~cards~~ received under s. 943.051 against the fingerprints  
2662 retained in the statewide automated biometric fingerprint  
2663 identification system under subparagraph 3. Any arrest record  
2664 that is identified with an owner's or operator's fingerprints  
2665 must be reported to the Department of Education. The Department  
2666 of Education shall participate in this search process by paying  
2667 an annual fee to the Department of Law Enforcement and by  
2668 informing the Department of Law Enforcement of any change in the

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2669 employment, engagement, or association status of the owners or  
2670 operators whose fingerprints are retained under subparagraph 3.  
2671 The Department of Law Enforcement shall adopt a rule setting the  
2672 amount of the annual fee to be imposed upon the Department of  
2673 Education for performing these services and establishing the  
2674 procedures for the retention of owner and operator fingerprints  
2675 and the dissemination of search results. The fee may be borne by  
2676 the owner or operator of the nonprofit scholarship-funding  
2677 organization.

2678 5. A nonprofit scholarship-funding organization whose owner  
2679 or operator fails the level 2 background screening shall not be  
2680 eligible to provide scholarships under this section.

2681 6. A nonprofit scholarship-funding organization whose owner  
2682 or operator in the last 7 years has filed for personal  
2683 bankruptcy or corporate bankruptcy in a corporation of which he  
2684 or she owned more than 20 percent shall not be eligible to  
2685 provide scholarships under this section.

2686  
2687 Any and all information and documentation provided to the  
2688 Department of Education and the Auditor General relating to the  
2689 identity of a taxpayer that provides an eligible contribution  
2690 under this section shall remain confidential at all times in  
2691 accordance with s. 213.053.

2692 Section 68. Paragraphs (a) and (b) of subsection (3) of  
2693 section 1002.421, Florida Statutes, are amended to read:

2694 1002.421 Accountability of private schools participating in  
2695 state school choice scholarship programs.—

2696 (3) (a) ~~Beginning July 1, 2007,~~ All fingerprints submitted  
2697 to the Department of Law Enforcement as required by this section

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2698 shall be retained by the Department of Law Enforcement in a  
2699 manner provided by rule and entered in the statewide automated  
2700 biometric fingerprint identification system authorized by s.  
2701 943.05(2)(b). Such fingerprints shall thereafter be available  
2702 for all purposes and uses authorized for arrest fingerprints  
2703 ~~fingerprint cards~~ entered in the statewide automated biometric  
2704 ~~fingerprint~~ identification system pursuant to s. 943.051.

2705 (b) ~~Beginning July 1, 2007,~~ The Department of Law  
2706 Enforcement shall search all arrest fingerprints ~~fingerprint~~  
2707 ~~cards~~ received under s. 943.051 against the fingerprints  
2708 retained in the statewide automated biometric fingerprint  
2709 identification system under paragraph (a). Any arrest record  
2710 that is identified with the retained fingerprints of a person  
2711 subject to the background screening under this section shall be  
2712 reported to the employing school with which the person is  
2713 affiliated. Each private school participating in a scholarship  
2714 program is required to participate in this search process by  
2715 informing the Department of Law Enforcement of any change in the  
2716 employment or contractual status of its personnel whose  
2717 fingerprints are retained under paragraph (a). The Department of  
2718 Law Enforcement shall adopt a rule setting the amount of the  
2719 annual fee to be imposed upon each private school for performing  
2720 these searches and establishing the procedures for the retention  
2721 of private school employee and contracted personnel fingerprints  
2722 and the dissemination of search results. The fee may be borne by  
2723 the private school or the person fingerprinted.

2724 Section 69. Paragraphs (a) and (b) of subsection (3) of  
2725 section 1012.32, Florida Statutes, are amended to read:

2726 1012.32 Qualifications of personnel.—

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2727           (3) (a) ~~Beginning July 1, 2004,~~ All fingerprints submitted  
2728 to the Department of Law Enforcement as required by subsection  
2729 (2) shall be retained by the Department of Law Enforcement in a  
2730 manner provided by rule and entered in the statewide automated  
2731 biometric fingerprint identification system authorized by s.  
2732 943.05(2) (b). Such fingerprints shall thereafter be available  
2733 for all purposes and uses authorized for arrest fingerprints  
2734 ~~fingerprint cards~~ entered in the statewide automated biometric  
2735 ~~fingerprint~~ identification system pursuant to s. 943.051.

2736           (b) ~~Beginning December 15, 2004,~~ The Department of Law  
2737 Enforcement shall search all arrest fingerprints ~~fingerprint~~  
2738 ~~cards~~ received under s. 943.051 against the fingerprints  
2739 retained in the statewide automated biometric fingerprint  
2740 identification system under paragraph (a). Any arrest record  
2741 that is identified with the retained fingerprints of a person  
2742 subject to the background screening under this section shall be  
2743 reported to the employing or contracting school district or the  
2744 school district with which the person is affiliated. Each school  
2745 district is required to participate in this search process by  
2746 payment of an annual fee to the Department of Law Enforcement  
2747 and by informing the Department of Law Enforcement of any change  
2748 in the affiliation, employment, or contractual status or place  
2749 of affiliation, employment, or contracting of its instructional  
2750 and noninstructional personnel whose fingerprints are retained  
2751 under paragraph (a). The Department of Law Enforcement shall  
2752 adopt a rule setting the amount of the annual fee to be imposed  
2753 upon each school district for performing these searches and  
2754 establishing the procedures for the retention of instructional  
2755 and noninstructional personnel fingerprints and the

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2756 dissemination of search results. The fee may be borne by the  
2757 district school board, the contractor, or the person  
2758 fingerprinted.

2759 Section 70. Paragraphs (b), (c), and (e) of subsection (2)  
2760 of section 1012.467, Florida Statutes, are amended to read:

2761 1012.467 Noninstructional contractors who are permitted  
2762 access to school grounds when students are present; background  
2763 screening requirements.—

2764 (2)

2765 (b) As authorized by law, the Department of Law Enforcement  
2766 shall retain the fingerprints submitted by the school districts  
2767 pursuant to this subsection to the Department of Law Enforcement  
2768 for a criminal history background screening in a manner provided  
2769 by rule and enter the fingerprints in the statewide automated  
2770 biometric fingerprint identification system authorized by s.  
2771 943.05(2)(b). The fingerprints shall thereafter be available for  
2772 all purposes and uses authorized for arrest fingerprints  
2773 ~~fingerprint cards~~ entered into the statewide automated biometric  
2774 ~~fingerprint~~ identification system under s. 943.051.

2775 (c) As authorized by law, the Department of Law Enforcement  
2776 shall search all arrest fingerprints ~~fingerprint cards~~ received  
2777 under s. 943.051 against the fingerprints retained in the  
2778 statewide automated biometric fingerprint identification system  
2779 under paragraph (b).

2780 (e) A fingerprint retained pursuant to this subsection  
2781 shall be purged from the automated biometric fingerprint  
2782 identification system 5 years following the date the fingerprint  
2783 was initially submitted. The Department of Law Enforcement shall  
2784 set the amount of the annual fee to be imposed upon each



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2785 participating agency for performing these searches and  
2786 establishing the procedures for retaining fingerprints and  
2787 disseminating search results. The fee may be borne as provided  
2788 by law. Fees may be waived or reduced by the executive director  
2789 of the Department of Law Enforcement for good cause shown.

2790 Section 71. This act shall take effect July 1, 2013.