

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
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
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
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

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.

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

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

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

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

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

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

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

(2) The ordinance must require each person applying for, or continuing employment or appointment in, any such position, applying for initial or continuing licensing or regulation, or having such contact or access ~~to any such facility~~ to be fingerprinted. The fingerprints shall be submitted to the 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
 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,
202 | or continuing employment or appointment in, any such position,
203 | applying for initial or continuing licensing or regulation, or
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
219 | to 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
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.

262 | 7. A historical marker.

263 | 8. Railroad equipment, including, but not limited to, a
264 | tie plate, signal house, control box, switch plate, E clip, or
265 | rail tie junction.

266 | 9. Any metal item that is observably marked upon
267 | reasonable inspection with any form of the name, initials, or
268 | logo of a governmental entity, utility company, cemetery, or
269 | railroad.

270 | 10. A copper, aluminum, or aluminum-copper condensing or
271 | evaporator coil, including its tubing or rods, from an air-
272 | conditioning or heating unit, excluding coils from window air-
273 | conditioning or heating units and motor vehicle air-conditioning
274 | or heating units.

275 | 11. An aluminum or stainless steel container or bottle
276 | designed to hold propane for fueling forklifts.

277 | 12. A stainless steel beer keg.

278 | 13. A catalytic converter or any nonferrous part of a
279 | catalytic converter unless purchased as part of a motor vehicle.

280 | 14. Metallic wire that has been burned in whole or in part

281 to remove insulation.

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

286 16. A brass or bronze commercial potable water backflow
 287 preventer valve that is commonly used to prevent backflow of
 288 potable water from commercial structures into municipal domestic
 289 water service systems.

290 17. A shopping cart.

291 18. A brass water meter.

292 19. A storm grate.

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

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

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

299 937.021 Missing child and missing adult reports.—

300 (5)

301 (b) Upon receiving a request to record, report, transmit,
 302 display, or release information and photographs pertaining to a
 303 missing adult or missing child from the law enforcement agency
 304 having jurisdiction over the missing adult or missing child, the
 305 department, a state or local law enforcement agency, and the
 306 personnel of these agencies; any radio or television network,
 307 broadcaster, or other media representative; any dealer of
 308 communications services as defined in s. 202.11; or any agency,

309 employee, individual, or person is immune from civil liability
310 for damages for complying in good faith with the request to
311 provide information and is presumed to have acted in good faith
312 in recording, reporting, transmitting, displaying, or releasing
313 information or photographs pertaining to the missing adult or
314 missing child.

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

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

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

335 937.024 Birth records of missing children; registrars'
336 duties.-

337 (1) The Office of Vital Statistics shall:
 338 ~~(d) Recall each missing child's birth certificate or birth~~
 339 ~~record from the local registrar of vital statistics in the~~
 340 ~~county of the missing child's birth.~~

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

347 (2) (a) A copy of the birth certificate or information
 348 concerning the birth record of any child whose record has been
 349 flagged ~~or recalled~~ pursuant to paragraph (1) (c) ~~or paragraph~~
 350 ~~(1)(d)~~ may not be provided by the State Registrar or any local
 351 registrar in response to any inquiry, unless the flag has been
 352 removed pursuant to paragraph (1) (d) or upon the official
 353 request of the Department of Law Enforcement's Missing
 354 Endangered Persons Information Clearinghouse ~~(1)(e)~~.

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

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

359 (7) A person who knowingly provides false information
 360 concerning a missing child or the efforts to locate and return a
 361 missing child whose ~~to a~~ parent, family member, or guardian ~~of a~~
 362 ~~child who has been~~ reported the child missing commits a
 363 misdemeanor of the first degree, punishable as provided in s.
 364 775.082 or s. 775.083.

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

367 937.028 Fingerprints; missing persons ~~children~~.—

368 (1) If fingerprints have been taken for the purpose of
 369 identifying a child, in the event that child becomes missing,
 370 the state agency, public or private organization, or other
 371 person who took such fingerprints shall not release the
 372 fingerprints to any law enforcement agency or other person for
 373 any purpose other than the identification of a missing child.
 374 Such records and data are exempt from ~~the provisions of s.~~
 375 119.07(1).

376 (2) Fingerprints of children taken and retained by any
 377 state agency other than the Department of Law Enforcement, any
 378 public or private organization, or other person, excluding the
 379 parent or legal custodian of the child, shall be destroyed when
 380 the child attains ~~becomes~~ 18 years of age. Fingerprints of
 381 persons, including children, who are reported missing that have
 382 been entered into the automated biometric identification system
 383 maintained by the Department of Law Enforcement may be retained
 384 until the department is notified that the missing person has
 385 been recovered.

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

389 943.03 Department of Law Enforcement.—

390 (6) (a) The department shall be governed by all laws
 391 regulating the purchase of supplies and equipment as other state
 392 agencies and may enter into contracts with other state agencies

393 to make photographs and photocopies ~~photostats~~, to transmit
 394 information electronically ~~by teletype~~, and to perform all those
 395 services consonant with the purpose of this chapter.

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

401 (13) Subject to sufficient annual appropriations, the
 402 department shall develop and maintain, in consultation with the
 403 Criminal and Juvenile Justice Information Systems Council under
 404 s. 943.08, an information system that supports the
 405 administration of the state's criminal and juvenile justice
 406 information sharing ~~system~~ in compliance with this chapter and
 407 other provisions of law. The department shall serve as custodial
 408 manager of the Criminal Justice ~~statewide telecommunications and~~
 409 ~~data~~ Network developed and maintained as part of the information
 410 system authorized by this subsection.

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

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

420 (b) Consider the charging and booking requirements of

421 sheriffs' offices and police departments and the business
422 requirements of state attorneys, public defenders, criminal
423 conflict and civil regional counsel, clerks of court, judges,
424 and state law enforcement agencies.

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

428

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

431 Section 10. Paragraph (c) of subsection (2), subsections
432 (4) and (5), paragraphs (b) and (c) of subsection (6), and
433 paragraphs (a), (b), and (e) of subsection (8) of section
434 943.031, Florida Statutes, are amended to read:

435 943.031 Florida Violent Crime and Drug Control Council.—

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

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

440

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

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

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

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

463 1. Establishing a program that provides grants to criminal
464 justice agencies that develop and implement effective violent
465 crime prevention and investigative programs and which provides
466 grants to law enforcement agencies for the purpose of drug
467 control, criminal gang, and illicit money laundering
468 investigative efforts or task force efforts that are determined
469 by the council to significantly contribute to achieving the
470 state's goal of reducing drug-related crime, that represent
471 significant criminal gang investigative efforts, that represent
472 a significant illicit money laundering investigative effort, or
473 that otherwise significantly support statewide strategies
474 developed by the Statewide Drug Policy Advisory Council
475 established under s. 397.333, subject to the limitations
476 provided in this section. The grant program may include an

477 innovations grant program to provide startup funding for new
478 initiatives by local and state law enforcement agencies to
479 combat violent crime or to implement drug control, criminal
480 gang, or illicit money laundering investigative efforts or task
481 force efforts by law enforcement agencies, including, but not
482 limited to, initiatives such as:

483 a. Providing enhanced community-oriented policing.

484 b. Providing additional undercover officers and other
485 investigative officers to assist with violent crime
486 investigations in emergency situations.

487 c. Providing funding for multiagency or statewide drug
488 control, criminal gang, or illicit money laundering
489 investigative efforts or task force efforts that cannot be
490 reasonably funded completely by alternative sources and that
491 significantly contribute to achieving the state's goal of
492 reducing drug-related crime, that represent significant criminal
493 gang investigative efforts, that represent a significant illicit
494 money laundering investigative effort, or that otherwise
495 significantly support statewide strategies developed by the
496 Statewide Drug Policy Advisory Council established under s.
497 397.333.

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

500 3. Identifying methods to prevent violent crime.

501 4. Identifying methods to enhance multiagency or statewide
502 drug control, criminal gang, or illicit money laundering
503 investigative efforts or task force efforts that significantly
504 contribute to achieving the state's goal of reducing drug-

505 related crime, that represent significant criminal gang
506 investigative efforts, that represent a significant illicit
507 money laundering investigative effort, or that otherwise
508 significantly support statewide strategies developed by the
509 Statewide Drug Policy Advisory Council established under s.
510 397.333.

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

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

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

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

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

530 (b) The full council shall:

531 1. Receive periodic reports from regional violent crime
532 investigation and statewide drug control strategy implementation

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

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

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

- 561 1. Involves multiple law enforcement agencies.
- 562 2. Reflects a dedicated significant investigative effort
563 on the part of each participating agency in personnel, time
564 devoted to the investigation, and agency resources dedicated to
565 the effort.
- 566 3. Reflects a dedicated commitment by a prosecuting
567 authority to ensure that cases developed by the investigation
568 will be timely and effectively prosecuted.
- 569 4. Demonstrates a strategy and commitment to dismantling
570 the criminal gang via seizures of assets, significant money
571 laundering and organized crime investigations and prosecutions,
572 or similar efforts.

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

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

580 (b) Subject to funding provided to the department by the
581 Legislature, the committee shall review and approve all requests
582 for disbursement of funds from the Violent Crime Investigative
583 Emergency and Drug Control Strategy Implementation Account
584 within the Department of Law Enforcement Operating Trust Fund
585 and from other appropriations provided to the department by the
586 Legislature in the General Appropriations Act. An expedited
587 approval procedure shall be established for rapid disbursement
588 of funds in violent crime emergency situations. Committee

589 meetings may be conducted by conference call, teleconferencing,
590 or similar technology.

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

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

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

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

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

617 relocation services.

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

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

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

629 943.0435 Sexual offenders required to register with the
630 department; penalty.—

631 (2) A sexual offender shall:

632 (b) Provide his or her name; date of birth; social
633 security number; race; sex; height; weight; hair and eye color;
634 tattoos or other identifying marks; fingerprints; photograph;
635 occupation and place of employment; address of permanent or
636 legal residence or address of any current temporary residence,
637 within the state or out of state, including a rural route
638 address and a post office box; if no permanent or temporary
639 address, any transient residence within the state, address,
640 location or description, and dates of any current or known
641 future temporary residence within the state or out of state;
642 home telephone number and any cellular telephone number; any
643 electronic mail address and any instant message name required to
644 be provided pursuant to paragraph (4) (d); date and place of each

645 conviction; and a brief description of the crime or crimes
646 committed by the offender. A post office box shall not be
647 provided in lieu of a physical residential address.

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

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

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

680 (4)

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

688 Section 12. Section 943.04351, Florida Statutes, is
689 amended to read:

690 943.04351 Search of registration information regarding
691 sexual predators and sexual offenders required before ~~prior to~~
692 appointment or employment.—A state agency or governmental
693 subdivision, before ~~prior to~~ making any decision to appoint or
694 employ a person to work, whether for compensation or as a
695 volunteer, at any park, playground, day care center, or other
696 place where children regularly congregate, must conduct a search
697 of that person's name or other identifying information against
698 the registration information regarding sexual predators and
699 sexual offenders through the Dru Sjodin National Sexual Offender
700 Public Website maintained by the United States Department of

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

710 Section 13. Paragraph (a) of subsection (2) of section
711 943.0438, Florida Statutes, is amended to read:

712 943.0438 Athletic coaches for independent sanctioning
713 authorities.—

714 (2) An independent sanctioning authority shall:

715 (a)1. Conduct a background screening of each current and
716 prospective athletic coach. No person shall be authorized by the
717 independent sanctioning authority to act as an athletic coach
718 ~~after July 1, 2010,~~ unless a background screening has been
719 conducted and did not result in disqualification under paragraph
720 (b). Background screenings shall be conducted annually for each
721 athletic coach. For purposes of this section, a background
722 screening shall be conducted with a search of the athletic
723 coach's name or other identifying information against state and
724 federal registries of sexual predators and sexual offenders,
725 which are available to the public on Internet sites provided by:
726 a. The Department of Law Enforcement under s. 943.043; and
727 b. The Attorney General of the United States under 42
728 U.S.C. s. 16920.

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

737 Section 14. Section 943.045, Florida Statutes, is amended
738 to read:

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

742 ~~(1)-(15)~~ "Adjudicated guilty" means that a person has been
743 found guilty and that the court has not withheld an adjudication
744 of guilt.

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

763 (5)~~(4)~~ "Criminal history information" means information
764 collected by criminal justice agencies on persons, which
765 information consists of identifiable descriptions and notations
766 of arrests, detentions, indictments, informations, or other
767 formal criminal charges and the disposition thereof. The term
768 does not include identification information, such as biometric
769 ~~fingerprint~~ records, if the information does not indicate
770 involvement of the person in the criminal justice system.

771 (6)~~(18)~~ "Criminal history record" means any nonjudicial
772 record maintained by a criminal justice agency containing
773 criminal history information.

774 (7)~~(5)~~ "Criminal intelligence information" means
775 information collected by a criminal justice agency with respect
776 to an identifiable person or group in an effort to anticipate,
777 prevent, or monitor possible criminal activity.

778 (8)~~(16)~~ "Criminal intelligence information system" means a
779 system, including the equipment, facilities, procedures,
780 agreements ~~agreement~~, and organizations thereof, for the
781 collection, processing, preservation, or dissemination of
782 criminal intelligence information.

783 (9)~~(6)~~ "Criminal investigative information" means
784 information about an identifiable person or group, ~~compiled by a~~

785 criminal justice agency in the course of conducting a criminal
786 investigation of a specific criminal act or omission, including,
787 but not limited to, information derived from laboratory tests,
788 reports of investigators, informants, or any type of
789 surveillance.

790 (10)~~(17)~~ "Criminal investigative information system" means
791 a system, including the equipment, facilities, procedures,
792 agreements, and organizations thereof, for the collection,
793 processing, preservation, or dissemination of criminal
794 investigative information.

795 (11)~~(10)~~ "Criminal justice agency" means:

796 (a) A court.

797 (b) The department.

798 (c) The Department of Juvenile Justice.

799 (d) The protective investigations component of the
800 Department of Children and Families ~~Family Services~~, which
801 investigates the crimes of abuse and neglect.

802 (e) Any other governmental agency or subunit thereof that
803 ~~which~~ performs the administration of criminal justice pursuant
804 to a statute or rule of court and that ~~which~~ allocates a
805 substantial part of its annual budget to the administration of
806 criminal justice.

807 (12)~~(3)~~ "Criminal justice information" means information
808 on individuals collected or disseminated as a result of arrest,
809 detention, or the initiation of a criminal proceeding by
810 criminal justice agencies, including arrest record information,
811 correctional and release information, criminal history record
812 information, conviction record information, offender

813 registration information, identification record information, and
814 wanted persons record information. The term does ~~shall~~ not
815 include statistical or analytical records or reports in which
816 individuals are not identified and from which their identities
817 are not ascertainable. The term does ~~shall~~ not include criminal
818 intelligence information or criminal investigative information.

819 (13)~~(1)~~ "Criminal justice information system" means a
820 system, including the equipment, facilities, procedures,
821 agreements, and organizations thereof, for the collection,
822 processing, preservation, or dissemination of criminal justice
823 information.

824 (14)~~(9)~~ "Disposition" means details relating to the
825 termination of an individual criminal defendant's relationship
826 with a criminal justice agency, including information disclosing
827 that the law enforcement agency has elected not to refer a
828 matter to a prosecutor or that a prosecutor has elected not to
829 commence criminal proceedings, that a court has dealt with the
830 individual, or that the individual has been incarcerated,
831 paroled, pardoned, released, or granted clemency. Dispositions
832 include, but are not limited to, acquittals, dismissals, pleas,
833 convictions, adjudications, youthful offender determinations,
834 determinations of mental capacity, placements in intervention
835 programs, pardons, probations, paroles, and releases from
836 correctional institutions.

837 (15)~~(11)~~ "Disseminate ~~Dissemination~~" means to transmit ~~the~~
838 ~~transmission of~~ information, whether orally or in writing.

839 (16)~~(13)~~ "Expunction of a criminal history record" means
840 the court-ordered physical destruction or obliteration of a

841 record or portion of a record by any criminal justice agency
842 having custody thereof, or as prescribed by the court issuing
843 the order, except that criminal history records in the custody
844 of the department must be retained in all cases for purposes of
845 evaluating subsequent requests by the subject of the record for
846 sealing or expunction, or for purposes of recreating the record
847 in the event an order to expunge is vacated by a court of
848 competent jurisdiction.

849 (17)~~(7)~~ "Record" means any and all documents, writings,
850 computer memory, and microfilm, and any other form in which
851 facts are memorialized, irrespective of whether such record is
852 an official record, public record, or admissible record or is
853 merely a copy thereof.

854 (18)~~(12)~~ "Research or statistical project" means any
855 program, project, or component the purpose of which is to
856 develop, measure, evaluate, or otherwise advance the state of
857 knowledge in a particular area. The term does not include
858 intelligence, investigative, or other information-gathering
859 activities in which information is obtained for purposes
860 directly related to enforcement of the criminal laws.

861 (19)~~(14)~~ "Sealing of a criminal history record" means the
862 preservation of a record under such circumstances that it is
863 secure and inaccessible to any person not having a legal right
864 of access to the record or the information contained and
865 preserved therein.

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

869 reenacted, to read:

870 943.05 Criminal Justice Information Program; duties; crime
871 reports.—

872 (2) The program shall:

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

881 (c) Initiate a crime information system that shall be
882 responsible for:

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

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

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

894 (d) Adopt rules to effectively and efficiently implement,
895 administer, manage, maintain, and use the automated biometric
896 ~~fingerprint~~ identification system and uniform offense reports

897 and arrest reports. The rules shall be considered minimum
898 requirements and shall not preclude a criminal justice agency
899 from implementing its own enhancements. However, rules and forms
900 prescribing uniform arrest or probable cause affidavits and
901 alcohol influence reports to be used by all law enforcement
902 agencies in making DUI arrests under s. 316.193 shall be
903 adopted, and ~~shall be~~ used by all law enforcement agencies in
904 this state. ~~The rules and forms prescribing such uniform~~
905 ~~affidavits and reports shall be adopted and implemented by July~~
906 ~~1, 2004.~~ Failure to use these uniform affidavits and reports,
907 however, shall not prohibit prosecution under s. 316.193.

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

917 (g) Upon official written request, and subject to the
918 department having sufficient funds and equipment to participate
919 in such a request, from the agency executive director or
920 secretary or from his or her designee, or from qualified
921 entities participating in the volunteer and employee criminal
922 history screening system under s. 943.0542, or as otherwise
923 required by law, retain fingerprints submitted by criminal and
924 noncriminal justice agencies to the department for a criminal

925 history background screening as provided by rule and enter the
926 fingerprints in the statewide automated biometric ~~fingerpr~~int
927 identification system authorized by paragraph (b). Such
928 fingerprints shall thereafter be available for all purposes and
929 uses authorized for arrest fingerprint submissions entered into
930 the statewide automated biometric ~~fingerpr~~int identification
931 system pursuant to s. 943.051.

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

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

942 2. To participate in this search process, agencies or
943 qualified entities must notify each person fingerprinted that
944 his or her fingerprints will be retained, pay an annual fee to
945 the department unless otherwise provided by law, and inform the
946 department of any change in the affiliation, employment, or
947 contractual status of each person whose fingerprints are
948 retained under paragraph (g) if such change removes or
949 eliminates the agency or qualified entity's basis or need for
950 receiving reports of any arrest of that person, so that the
951 agency or qualified entity is not obligated to pay the upcoming
952 annual fee for the retention and searching of that person's

953 fingerprints to the department. The department shall adopt a
954 rule setting the amount of the annual fee to be imposed upon
955 each participating agency or qualified entity for performing
956 these searches and establishing the procedures for the retention
957 of fingerprints and the dissemination of search results. The fee
958 may be borne by the agency, qualified entity, or person subject
959 to fingerprint retention or as otherwise provided by law.

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

975 3. Agencies that participate in the fingerprint retention
976 and search process may adopt rules pursuant to ss. 120.536(1)
977 and 120.54 to require employers to keep the agency informed of
978 any change in the affiliation, employment, or contractual status
979 of each person whose fingerprints are retained under paragraph
980 (g) if such change removes or eliminates the agency's basis or

981 | need for receiving reports of any arrest of that person, so that
 982 | the agency is not obligated to pay the upcoming annual fee for
 983 | the retention and searching of that person's fingerprints to the
 984 | department.

985 | (3) If fingerprints submitted to the department for
 986 | background screening, whether retained or not retained, are
 987 | identified with the fingerprints of a person having a criminal
 988 | history record, such fingerprints may thereafter be available
 989 | for all purposes and uses authorized for arrest fingerprints
 990 | ~~fingerprint cards~~, including, but not limited to, entry into the
 991 | statewide automated biometric fingerprint identification system
 992 | to augment or replace the fingerprints that identify the
 993 | criminal history record.

994 | (4) Upon notification that a federal fingerprint retention
 995 | program is in effect, and subject to the department being funded
 996 | and equipped to participate in such a program, the department
 997 | shall, if state and national criminal history records checks and
 998 | retention of submitted prints are authorized or required by law,
 999 | retain the fingerprints as provided in paragraphs (2)(g) and (h)
 1000 | and advise the Federal Bureau of Investigation to retain the
 1001 | fingerprints at the national level for searching against arrest
 1002 | fingerprint submissions received at the national level.

1003 | Section 16. Subsections (2) and (3) of section 943.051,
 1004 | Florida Statutes, are amended to read:

1005 | 943.051 Criminal justice information; collection and
 1006 | storage; fingerprinting.—

1007 | (2) The fingerprints, palm prints, and facial images of
 1008 | each adult person charged with or convicted of a felony,

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1009 | misdemeanor, or violation of a comparable ordinance by a state,
 1010 | county, municipal, or other law enforcement agency shall be
 1011 | captured fingerprinted, and electronically ~~such fingerprints~~
 1012 | ~~shall be~~ submitted to the department in the manner prescribed by
 1013 | rule. Exceptions to this requirement for specified misdemeanors
 1014 | or comparable ordinance violations may be made by the department
 1015 | by rule.

1016 | (3) (a) The fingerprints, palm prints, and facial images of
 1017 | a minor who is charged with or found to have committed an
 1018 | offense that would be a felony if committed by an adult shall be
 1019 | captured fingerprinted and ~~the fingerprints shall be~~
 1020 | electronically submitted to the department in the manner
 1021 | prescribed by rule.

1022 | (b) A minor who is charged with or found to have committed
 1023 | the following offenses shall be fingerprinted and the
 1024 | fingerprints shall be submitted electronically to the
 1025 | department, unless the minor is issued a civil citation pursuant
 1026 | to s. 985.12:

- 1027 | 1. Assault, as defined in s. 784.011.
- 1028 | 2. Battery, as defined in s. 784.03.
- 1029 | 3. Carrying a concealed weapon, as defined in s.
- 1030 | 790.01(1).
- 1031 | 4. Unlawful use of destructive devices or bombs, as
- 1032 | defined in s. 790.1615(1).
- 1033 | 5. Neglect ~~Negligent treatment of a child~~ children, as
- 1034 | defined in s. 827.03(1)(e) ~~former s. 827.05~~.
- 1035 | 6. Assault or battery on a law enforcement officer, a
- 1036 | firefighter, or other specified officers, as defined in s.

- 1037 784.07(2) (a) and (b) .
- 1038 7. Open carrying of a weapon, as defined in s. 790.053.
- 1039 8. Exposure of sexual organs, as defined in s. 800.03.
- 1040 9. Unlawful possession of a firearm, as defined in s.
- 1041 790.22(5) .
- 1042 10. Petit theft, as defined in s. 812.014(3) .
- 1043 11. Cruelty to animals, as defined in s. 828.12(1) .
- 1044 12. Arson, as defined in s. 806.031(1) .

1045 13. Unlawful possession or discharge of a weapon or

1046 firearm at a school-sponsored event or on school property, as

1047 provided ~~defined~~ in s. 790.115.

1048 Section 17. Section 943.052, Florida Statutes, is amended

1049 to read:

1050 943.052 Disposition reporting.—The Criminal Justice

1051 Information Program shall, by rule, establish procedures and a

1052 format for each criminal justice agency to monitor its records

1053 and submit reports, as provided by this section, to the program.

1054 The disposition report shall be developed by the program and

1055 shall include the offender-based transaction system number.

1056 (1) Each law enforcement officer or booking officer shall

1057 include with submitted arrest information and fingerprints ~~on~~

1058 ~~the arrest fingerprint card~~ the offender-based transaction

1059 system number.

1060 (2) Each clerk of the court shall submit the uniform

1061 dispositions to the program or in a manner acceptable to the

1062 program. The report must ~~shall~~ be submitted at least once a

1063 month ~~and, when acceptable by the program, may be submitted in~~

1064 an automated format acceptable to the program. The disposition

1065 report is mandatory for each disposition ~~dispositions~~ relating
 1066 to an adult offender and, ~~offenders only.~~ beginning July 1,
 1067 2008, ~~a disposition report~~ for dispositions ~~each disposition~~
 1068 relating to a minor offenders ~~offender is~~ mandatory.

1069 (3) (a) The Department of Corrections shall submit
 1070 fingerprints, palm prints, and facial images ~~information~~ to the
 1071 program relating to the receipt ~~or discharge~~ of any person who
 1072 is sentenced to a state correctional institution.

1073 (b) The Department of Juvenile Justice shall submit
 1074 fingerprints, palm prints, and facial images ~~information~~ to the
 1075 program relating to the receipt ~~or discharge~~ of any minor who is
 1076 found to have committed an offense that would be a felony if
 1077 committed by an adult, or is found to have committed a
 1078 misdemeanor specified in s. 943.051(3), and is committed to the
 1079 custody of the Department of Juvenile Justice.

1080 Section 18. Subsection (2), paragraph (a) of subsection
 1081 (3), subsection (11), and paragraphs (a) and (c) of subsection
 1082 (13) of section 943.053, Florida Statutes, are amended to read:

1083 943.053 Dissemination of criminal justice information;
 1084 fees.—

1085 (2) Criminal justice information derived from federal
 1086 criminal justice information systems or criminal justice
 1087 information systems of other states shall not be disseminated in
 1088 a manner inconsistent with the rules instituted by the National
 1089 Crime Prevention and Privacy Compact, as approved and ratified
 1090 in s. 943.0543, or with other applicable laws, regulations, or
 1091 rules of the originating agency.

1092 (3) (a) Criminal history information, including information

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1093 relating to minors, compiled by the Criminal Justice Information
1094 Program from intrastate sources shall be available on a priority
1095 basis to criminal justice agencies for criminal justice purposes
1096 free of charge. After providing the program with all known
1097 personal identifying information, persons in the private sector
1098 and noncriminal justice agencies may be provided criminal
1099 history information upon tender of fees as established in this
1100 subsection and in the manner prescribed by rule of the
1101 Department of Law Enforcement. Any access to criminal history
1102 information by the private sector or noncriminal justice
1103 agencies as provided in this subsection shall be assessed
1104 without regard to the quantity or category of criminal history
1105 record information requested.

1106 (11) A criminal justice agency that is authorized under
1107 federal rules or law to conduct a criminal history background
1108 check on an agency employee who is not certified by the Criminal
1109 Justice Standards and Training Commission under s. 943.12 may
1110 submit to the department the fingerprints of the noncertified
1111 employee to obtain state and national criminal history
1112 information. The fingerprints shall be retained and entered in
1113 the statewide automated biometric fingerprint identification
1114 system authorized by s. 943.05 and shall be available for all
1115 purposes and uses authorized for arrest fingerprint submissions
1116 entered in the statewide automated biometric fingerprint
1117 identification system pursuant to s. 943.051. The department
1118 shall search all arrest fingerprint submissions received
1119 pursuant to s. 943.051 against the fingerprints retained in the
1120 statewide automated biometric fingerprint identification system

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1121 pursuant to this section. In addition to all purposes and uses
1122 authorized for arrest fingerprint submissions for which
1123 submitted fingerprints may be used, any arrest record that is
1124 identified with the retained employee fingerprints must be
1125 reported to the submitting employing agency.

1126 (13) (a) For the department to accept an electronic
1127 fingerprint submission from:

1128 1. A private vendor engaged in the business of providing
1129 electronic fingerprint submission; or

1130 2. A private entity or public agency that submits the
1131 fingerprints of its own employees, volunteers, contractors,
1132 associates, or applicants for the purpose of conducting a
1133 required or permitted criminal history background check,

1134
1135 the vendor, entity, or agency submitting the fingerprints must
1136 enter into an agreement with the department that, at a minimum,
1137 obligates the vendor, entity, or agency to comply with certain
1138 specified standards to ensure that all persons having direct or
1139 indirect responsibility for verifying identification, taking
1140 fingerprints, ~~identifying,~~ and electronically submitting
1141 fingerprints are qualified to do so and will ensure the
1142 integrity and security of all personal information gathered from
1143 the persons whose fingerprints are submitted.

1144 (c) The requirement for entering into an agreement with
1145 the department for this purpose does not apply to criminal
1146 justice agencies ~~as defined at s. 943.045(10).~~

1147 Section 19. Paragraph (b) of subsection (1) of section
1148 943.054, Florida Statutes, is amended to read:

1149 943.054 Exchange of federal criminal history records and
 1150 information.—

1151 (1) Criminal history information derived from any United
 1152 States Department of Justice criminal justice information system
 1153 is available:

1154 (b) Pursuant to applicable federal laws and regulations,
 1155 including those instituted by the National Crime Prevention and
 1156 Privacy Compact, for use in connection with licensing or local
 1157 or state employment or for such other uses only as authorized by
 1158 federal or state laws which have been approved by the United
 1159 States Attorney General or the Attorney General's designee. ~~When~~
 1160 ~~no active prosecution of the charge is known to be pending,~~
 1161 ~~arrest data more than 1 year old is not disseminated unless~~
 1162 ~~accompanied by information relating to the disposition of that~~
 1163 ~~arrest.~~

1164 Section 20. Paragraphs (b) and (c) of subsection (2) of
 1165 section 943.0542, Florida Statutes, are amended to read:

1166 943.0542 Access to criminal history information provided
 1167 by the department to qualified entities.—

1168 (2)

1169 (b) A qualified entity shall submit to the department a
 1170 request for screening an employee or volunteer or person
 1171 applying to be an employee or volunteer by submitting
 1172 fingerprints ~~on a completed fingerprint card,~~ or the request may
 1173 be submitted electronically. The qualified entity must maintain
 1174 a signed waiver allowing the release of the state and national
 1175 criminal history record information to the qualified entity.

1176 (c) Each such request must be accompanied by payment of a

1177 fee for a statewide criminal history check by the department
 1178 established by s. 943.053, plus the amount currently prescribed
 1179 by the Federal Bureau of Investigation for the national criminal
 1180 history check in compliance with the National Child Protection
 1181 Act of 1993, as amended. Payments must be made in the manner
 1182 prescribed by the department by rule.

1183 Section 21. Subsection (2) of section 943.0544, Florida
 1184 Statutes, is amended to read:

1185 943.0544 Criminal justice information network and
 1186 information management.—

1187 (2) The department may develop, implement, maintain,
 1188 manage, and operate the Criminal Justice Network, which shall be
 1189 an intrastate network for agency ~~intraagency~~ information and
 1190 data sharing ~~data-sharing network~~ for use by the state's
 1191 criminal justice agencies. The department, in consultation with
 1192 the Criminal and Juvenile Justice Information Systems Council,
 1193 shall determine and regulate access to the Criminal Justice
 1194 Network by the state's criminal justice agencies.

1195 Section 22. Section 943.055, Florida Statutes, is amended
 1196 to read:

1197 943.055 Records and audit.—

1198 (1) Criminal justice agencies disseminating criminal
 1199 justice information derived from a Department of Law Enforcement
 1200 criminal justice information system shall maintain a record of
 1201 dissemination in accordance with the user agreements in s.
 1202 943.0525 ~~rules adopted by the Department of Law Enforcement.~~

1203 (2) The Criminal Justice Information Program shall arrange
 1204 for any audits of state and local criminal justice and

1205 | noncriminal justice agencies necessary to ensure ~~assure~~
 1206 | compliance with federal laws and regulations, this chapter, and
 1207 | rules of the Department of Law Enforcement pertaining to the
 1208 | establishment, operation, security, and maintenance of criminal
 1209 | justice information systems.

1210 | Section 23. Subsection (2) of section 943.056, Florida
 1211 | Statutes, is amended to read:

1212 | 943.056 ~~Access to, review and challenge of,~~ Criminal
 1213 | history records; access, review, and challenge.—

1214 | (2) Criminal justice agencies subject to chapter 120 shall
 1215 | be subject to hearings regarding those portions of criminal
 1216 | history records for which the agency served as originator. When
 1217 | it is determined what the record should contain in order to be
 1218 | complete and accurate, the Criminal Justice Information Program
 1219 | shall be advised and shall conform state ~~and federal~~ records to
 1220 | the corrected criminal history record information and shall
 1221 | request that the federal records be corrected.

1222 | Section 24. Paragraphs (b) and (c) of subsection (3) and
 1223 | subsections (5) and (6) of section 943.0582, Florida Statutes,
 1224 | are amended to read:

1225 | 943.0582 Prearrest, postarrest, or teen court diversion
 1226 | program expunction.—

1227 | (3) The department shall expunge the nonjudicial arrest
 1228 | record of a minor who has successfully completed a prearrest or
 1229 | postarrest diversion program if that minor:

1230 | (b) Submits the application for prearrest or postarrest
 1231 | diversion expunction no later than 12 ~~6~~ months after completion
 1232 | of the diversion program.

1233 (c) Submits to the department, with the application, an
1234 official written statement from the state attorney for the
1235 county in which the arrest occurred certifying that he or she
1236 has successfully completed that county's prearrest or postarrest
1237 diversion program, and that his or her participation in the
1238 program was based on an arrest is strictly limited to minors
1239 arrested for a nonviolent misdemeanor, and that he or she has
1240 who have not otherwise been charged with or found to have
1241 committed any criminal offense or comparable ordinance
1242 violation.

1243 ~~(5) This section operates retroactively to permit the~~
1244 ~~expunction of any nonjudicial record of the arrest of a minor~~
1245 ~~who has successfully completed a prearrest or postarrest~~
1246 ~~diversion program on or after July 1, 2000; however, in the case~~
1247 ~~of a minor whose completion of the program occurred before the~~
1248 ~~effective date of this section, the application for prearrest or~~
1249 ~~postarrest diversion expunction must be submitted within 6~~
1250 ~~months after the effective date of this section.~~

1251 (5) ~~(6)~~ Expunction or sealing granted under this section
1252 does not prevent the minor who receives such relief from
1253 petitioning for the expunction or sealing of a later criminal
1254 history record as provided for in ss. 943.0585 and 943.059, if
1255 the minor is otherwise eligible under those sections.

1256 Section 25. Paragraph (b) of subsection (1), paragraph (f)
1257 of subsection (2), and paragraph (a) of subsection (4) of
1258 section 943.0585, Florida Statutes, are amended to read:

1259 943.0585 Court-ordered expunction of criminal history
1260 records.—The courts of this state have jurisdiction over their

1261 own procedures, including the maintenance, expunction, and
1262 correction of judicial records containing criminal history
1263 information to the extent such procedures are not inconsistent
1264 with the conditions, responsibilities, and duties established by
1265 this section. Any court of competent jurisdiction may order a
1266 criminal justice agency to expunge the criminal history record
1267 of a minor or an adult who complies with the requirements of
1268 this section. The court shall not order a criminal justice
1269 agency to expunge a criminal history record until the person
1270 seeking to expunge a criminal history record has applied for and
1271 received a certificate of eligibility for expunction pursuant to
1272 subsection (2). A criminal history record that relates to a
1273 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1274 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
1275 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
1276 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
1277 any violation specified as a predicate offense for registration
1278 as a sexual predator pursuant to s. 775.21, without regard to
1279 whether that offense alone is sufficient to require such
1280 registration, or for registration as a sexual offender pursuant
1281 to s. 943.0435, may not be expunged, without regard to whether
1282 adjudication was withheld, if the defendant was found guilty of
1283 or pled guilty or nolo contendere to the offense, or if the
1284 defendant, as a minor, was found to have committed, or pled
1285 guilty or nolo contendere to committing, the offense as a
1286 delinquent act. The court may only order expunction of a
1287 criminal history record pertaining to one arrest or one incident
1288 of alleged criminal activity, except as provided in this

1289 section. The court may, at its sole discretion, order the
 1290 expunction of a criminal history record pertaining to more than
 1291 one arrest if the additional arrests directly relate to the
 1292 original arrest. If the court intends to order the expunction of
 1293 records pertaining to such additional arrests, such intent must
 1294 be specified in the order. A criminal justice agency may not
 1295 expunge any record pertaining to such additional arrests if the
 1296 order to expunge does not articulate the intention of the court
 1297 to expunge a record pertaining to more than one arrest. This
 1298 section does not prevent the court from ordering the expunction
 1299 of only a portion of a criminal history record pertaining to one
 1300 arrest or one incident of alleged criminal activity.

1301 Notwithstanding any law to the contrary, a criminal justice
 1302 agency may comply with laws, court orders, and official requests
 1303 of other jurisdictions relating to expunction, correction, or
 1304 confidential handling of criminal history records or information
 1305 derived therefrom. This section does not confer any right to the
 1306 expunction of any criminal history record, and any request for
 1307 expunction of a criminal history record may be denied at the
 1308 sole discretion of the court.

1309 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
 1310 petition to a court to expunge a criminal history record is
 1311 complete only when accompanied by:

1312 (b) The petitioner's sworn statement attesting that the
 1313 petitioner:

1314 1. Has never, prior to the date on which the petition is
 1315 filed, been adjudicated guilty of a criminal offense or
 1316 comparable ordinance violation, or been adjudicated delinquent

1317 for committing any felony or a misdemeanor specified in s.
1318 943.051(3) (b).

1319 2. Has not been adjudicated guilty of, or adjudicated
1320 delinquent for committing, any of the acts stemming from the
1321 arrest or alleged criminal activity to which the petition
1322 pertains.

1323 3. Has never secured a prior sealing or expunction of a
1324 criminal history record under this section, s. 943.059, former
1325 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~
1326 ~~jurisdiction outside the state~~, unless expunction is sought of a
1327 criminal history record previously sealed for 10 years pursuant
1328 to paragraph (2) (h) and the record is otherwise eligible for
1329 expunction.

1330 4. Is eligible for such an expunction to the best of his
1331 or her knowledge or belief and does not have any other petition
1332 to expunge or any petition to seal pending before any court.

1333
1334 Any person who knowingly provides false information on such
1335 sworn statement to the court commits a felony of the third
1336 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1337 775.084.

1338 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
1339 petitioning the court to expunge a criminal history record, a
1340 person seeking to expunge a criminal history record shall apply
1341 to the department for a certificate of eligibility for
1342 expunction. The department shall, by rule adopted pursuant to
1343 chapter 120, establish procedures pertaining to the application
1344 for and issuance of certificates of eligibility for expunction.

1345 A certificate of eligibility for expunction is valid for 12
1346 months after the date stamped on the certificate when issued by
1347 the department. After that time, the petitioner must reapply to
1348 the department for a new certificate of eligibility. Eligibility
1349 for a renewed certification of eligibility must be based on the
1350 status of the applicant and the law in effect at the time of the
1351 renewal application. The department shall issue a certificate of
1352 eligibility for expunction to a person who is the subject of a
1353 criminal history record if that person:

1354 (f) Has never secured a prior sealing or expunction of a
1355 criminal history record under this section, s. 943.059, former
1356 s. 893.14, former s. 901.33, or former s. 943.058, unless
1357 expunction is sought of a criminal history record previously
1358 sealed for 10 years pursuant to paragraph (h) and the record is
1359 otherwise eligible for expunction.

1360 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
1361 criminal history record of a minor or an adult which is ordered
1362 expunged by a court of competent jurisdiction pursuant to this
1363 section must be physically destroyed or obliterated by any
1364 criminal justice agency having custody of such record; except
1365 that any criminal history record in the custody of the
1366 department must be retained in all cases. A criminal history
1367 record ordered expunged that is retained by the department is
1368 confidential and exempt from the provisions of s. 119.07(1) and
1369 s. 24(a), Art. I of the State Constitution and not available to
1370 any person or entity except upon order of a court of competent
1371 jurisdiction. A criminal justice agency may retain a notation
1372 indicating compliance with an order to expunge.

1373 (a) The person who is the subject of a criminal history
 1374 record that is expunged under this section or under other
 1375 provisions of law, including former s. 893.14, former s. 901.33,
 1376 and former s. 943.058, may lawfully deny or fail to acknowledge
 1377 the arrests covered by the expunged record, except when the
 1378 subject of the record:

1379 1. Is a candidate for employment with a criminal justice
 1380 agency;

1381 2. Is a defendant in a criminal prosecution;

1382 3. Concurrently or subsequently petitions for relief under
 1383 this section or s. 943.059;

1384 4. Is a candidate for admission to The Florida Bar;

1385 5. Is seeking to be employed or licensed by or to contract
 1386 with the Department of Children and Families ~~Family Services~~,
 1387 the Division of Vocational Rehabilitation within the Department
 1388 of Education, the Agency for Health Care Administration, the
 1389 Agency for Persons with Disabilities, the Department of Health,
 1390 the Department of Elderly Affairs, or the Department of Juvenile
 1391 Justice or to be employed or used by such contractor or licensee
 1392 in a sensitive position having direct contact with children, the
 1393 disabled, or the elderly; or

1394 6. Is seeking to be employed or licensed by the Department
 1395 of Education, any district school board, any university
 1396 laboratory school, any charter school, any private or parochial
 1397 school, or any local governmental entity that licenses child
 1398 care facilities; ~~or~~

1399 ~~7. Is seeking authorization from a seaport listed in s.~~
 1400 ~~311.09 for employment within or access to one or more of such~~

1401 ~~seaports pursuant to s. 311.12.~~

1402 Section 26. Paragraph (b) of subsection (1), paragraph (e)
1403 of subsection (2), and paragraph (a) of subsection (4) of
1404 section 943.059, Florida Statutes, are amended to read:

1405 943.059 Court-ordered sealing of criminal history
1406 records.—The courts of this state shall continue to have
1407 jurisdiction over their own procedures, including the
1408 maintenance, sealing, and correction of judicial records
1409 containing criminal history information to the extent such
1410 procedures are not inconsistent with the conditions,
1411 responsibilities, and duties established by this section. Any
1412 court of competent jurisdiction may order a criminal justice
1413 agency to seal the criminal history record of a minor or an
1414 adult who complies with the requirements of this section. The
1415 court shall not order a criminal justice agency to seal a
1416 criminal history record until the person seeking to seal a
1417 criminal history record has applied for and received a
1418 certificate of eligibility for sealing pursuant to subsection
1419 (2). A criminal history record that relates to a violation of s.
1420 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
1421 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
1422 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
1423 916.1075, a violation enumerated in s. 907.041, or any violation
1424 specified as a predicate offense for registration as a sexual
1425 predator pursuant to s. 775.21, without regard to whether that
1426 offense alone is sufficient to require such registration, or for
1427 registration as a sexual offender pursuant to s. 943.0435, may
1428 not be sealed, without regard to whether adjudication was

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1429 withheld, if the defendant was found guilty of or pled guilty or
1430 nolo contendere to the offense, or if the defendant, as a minor,
1431 was found to have committed or pled guilty or nolo contendere to
1432 committing the offense as a delinquent act. The court may only
1433 order sealing of a criminal history record pertaining to one
1434 arrest or one incident of alleged criminal activity, except as
1435 provided in this section. The court may, at its sole discretion,
1436 order the sealing of a criminal history record pertaining to
1437 more than one arrest if the additional arrests directly relate
1438 to the original arrest. If the court intends to order the
1439 sealing of records pertaining to such additional arrests, such
1440 intent must be specified in the order. A criminal justice agency
1441 may not seal any record pertaining to such additional arrests if
1442 the order to seal does not articulate the intention of the court
1443 to seal records pertaining to more than one arrest. This section
1444 does not prevent the court from ordering the sealing of only a
1445 portion of a criminal history record pertaining to one arrest or
1446 one incident of alleged criminal activity. Notwithstanding any
1447 law to the contrary, a criminal justice agency may comply with
1448 laws, court orders, and official requests of other jurisdictions
1449 relating to sealing, correction, or confidential handling of
1450 criminal history records or information derived therefrom. This
1451 section does not confer any right to the sealing of any criminal
1452 history record, and any request for sealing a criminal history
1453 record may be denied at the sole discretion of the court.

1454 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
1455 petition to a court to seal a criminal history record is
1456 complete only when accompanied by:

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1457 (b) The petitioner's sworn statement attesting that the
1458 petitioner:

1459 1. Has never, prior to the date on which the petition is
1460 filed, been adjudicated guilty of a criminal offense or
1461 comparable ordinance violation, or been adjudicated delinquent
1462 for committing any felony or a misdemeanor specified in s.
1463 943.051(3) (b).

1464 2. Has not been adjudicated guilty of or adjudicated
1465 delinquent for committing any of the acts stemming from the
1466 arrest or alleged criminal activity to which the petition to
1467 seal pertains.

1468 3. Has never secured a prior sealing or expunction of a
1469 criminal history record under this section, s. 943.0585, former
1470 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~
1471 ~~jurisdiction outside the state.~~

1472 4. Is eligible for such a sealing to the best of his or
1473 her knowledge or belief and does not have any other petition to
1474 seal or any petition to expunge pending before any court.

1475
1476 Any person who knowingly provides false information on such
1477 sworn statement to the court commits a felony of the third
1478 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1479 775.084.

1480 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
1481 petitioning the court to seal a criminal history record, a
1482 person seeking to seal a criminal history record shall apply to
1483 the department for a certificate of eligibility for sealing. The
1484 department shall, by rule adopted pursuant to chapter 120,

1485 establish procedures pertaining to the application for and
1486 issuance of certificates of eligibility for sealing. A
1487 certificate of eligibility for sealing is valid for 12 months
1488 after the date stamped on the certificate when issued by the
1489 department. After that time, the petitioner must reapply to the
1490 department for a new certificate of eligibility. Eligibility for
1491 a renewed certification of eligibility must be based on the
1492 status of the applicant and the law in effect at the time of the
1493 renewal application. The department shall issue a certificate of
1494 eligibility for sealing to a person who is the subject of a
1495 criminal history record provided that such person:

1496 (e) Has never secured a prior sealing or expunction of a
1497 criminal history record under this section, s. 943.0585, former
1498 s. 893.14, former s. 901.33, or former s. 943.058.

1499 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
1500 history record of a minor or an adult which is ordered sealed by
1501 a court of competent jurisdiction pursuant to this section is
1502 confidential and exempt from the provisions of s. 119.07(1) and
1503 s. 24(a), Art. I of the State Constitution and is available only
1504 to the person who is the subject of the record, to the subject's
1505 attorney, to criminal justice agencies for their respective
1506 criminal justice purposes, which include conducting a criminal
1507 history background check for approval of firearms purchases or
1508 transfers as authorized by state or federal law, to judges in
1509 the state courts system for the purpose of assisting them in
1510 their case-related decisionmaking responsibilities, as set forth
1511 in s. 943.053(5), or to those entities set forth in
1512 subparagraphs (a)1., 4., 5., 6., and 8. for their respective

1513 | licensing, access authorization, and employment purposes.

1514 | (a) The subject of a criminal history record sealed under
 1515 | this section or under other provisions of law, including former
 1516 | s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 1517 | deny or fail to acknowledge the arrests covered by the sealed
 1518 | record, except when the subject of the record:

1519 | 1. Is a candidate for employment with a criminal justice
 1520 | agency;

1521 | 2. Is a defendant in a criminal prosecution;

1522 | 3. Concurrently or subsequently petitions for relief under
 1523 | this section or s. 943.0585;

1524 | 4. Is a candidate for admission to The Florida Bar;

1525 | 5. Is seeking to be employed or licensed by or to contract
 1526 | with the Department of Children and Families ~~Family Services~~,
 1527 | the Division of Vocational Rehabilitation within the Department
 1528 | of Education, the Agency for Health Care Administration, the
 1529 | Agency for Persons with Disabilities, the Department of Health,
 1530 | the Department of Elderly Affairs, or the Department of Juvenile
 1531 | Justice or to be employed or used by such contractor or licensee
 1532 | in a sensitive position having direct contact with children, the
 1533 | disabled, or the elderly;

1534 | 6. Is seeking to be employed or licensed by the Department
 1535 | of Education, any district school board, any university
 1536 | laboratory school, any charter school, any private or parochial
 1537 | school, or any local governmental entity that licenses child
 1538 | care facilities; or

1539 | 7. Is attempting to purchase a firearm from a licensed
 1540 | importer, licensed manufacturer, or licensed dealer and is

1541 subject to a criminal history check under state or federal law
1542 ~~or~~

1543 ~~8. Is seeking authorization from a Florida seaport~~
1544 ~~identified in s. 311.09 for employment within or access to one~~
1545 ~~or more of such seaports pursuant to s. 311.12.~~

1546 Section 27. Section 943.125, Florida Statutes, is amended
1547 to read:

1548 943.125 Accreditation of state and local law enforcement
1549 agencies, correctional facilities, public agency offices of
1550 inspectors general, and certain pretrial diversion programs ~~Law~~
1551 ~~enforcement agency accreditation; intent.-~~

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

1559 (2) It is the further intent of the Legislature that these
1560 ~~law enforcement~~ agencies voluntarily adopt standards designed to
1561 promote enhanced professionalism:

1562 (a) For equal and fair law enforcement, to maximize the
1563 capability of law enforcement agencies to enforce the law and
1564 prevent and control criminal activities, ~~and to increase~~
1565 ~~interagency cooperation throughout the state.~~

1566 (b) For correctional facilities, to maintain best
1567 practices for the care, custody, and control of inmates.

1568 (c) Within public agency offices of inspector general, to

1569 | promote more effective scrutiny of public agency operations and
 1570 | greater accountability of those serving in those agencies.

1571 | (d) In the operation and management of pretrial diversion
 1572 | programs offered by and through the state attorney's offices,
 1573 | county government, or sheriff's offices.

1574 | ~~(3) It is further the intent of~~ The Legislature also
 1575 | intends to encourage the continuation of a voluntary state
 1576 | accreditation program to facilitate the enhanced professionalism
 1577 | identified in subsection (2) Florida Sheriffs Association and
 1578 | ~~the Florida Police Chiefs Association to develop, either jointly~~
 1579 | ~~or separately, a law enforcement agency accreditation program.~~
 1580 | Other than the staff support by the department as authorized in
 1581 | subsection (5), the accreditation program must be independent of
 1582 | any law enforcement agency, the Department of Corrections, the
 1583 | Florida Sheriffs Association, or the Florida Police Chiefs
 1584 | Association.

1585 | (4) The law enforcement accreditation program must
 1586 | address, at a minimum, the following aspects of law enforcement:

- 1587 | (a) Vehicle pursuits.
- 1588 | (b) Seizure and forfeiture of contraband articles.
- 1589 | (c) Recording and processing citizens' complaints.
- 1590 | (d) Use of force.
- 1591 | (e) Traffic stops.
- 1592 | (f) Handling natural and manmade disasters.
- 1593 | (g) Special operations.
- 1594 | (h) Prisoner transfer.
- 1595 | (i) Collection and preservation of evidence.
- 1596 | (j) Recruitment and selection.

1597 (k) Officer training.
 1598 (l) Performance evaluations.
 1599 (m) Law enforcement disciplinary procedures and rights.
 1600 (n) Use of criminal investigative funds.
 1601 (5) Subject to available funding, the department shall
 1602 employ and assign adequate support staff to the Commission for
 1603 Florida Law Enforcement Accreditation, Inc., and the Florida
 1604 Corrections Accreditation Commission, Inc., in support of the
 1605 accreditation programs established in this section.
 1606 (6) Accreditation standards related to law enforcement and
 1607 inspectors general used by the accreditation programs
 1608 established in this section shall be determined by the
 1609 Commission for Florida Law Enforcement Accreditation, Inc.
 1610 Accreditation standards related to corrections functions and
 1611 pretrial diversion programs shall be determined by the Florida
 1612 Corrections Accreditation Commission, Inc.
 1613 Section 28. Subsection (5) of section 943.13, Florida
 1614 Statutes, is amended to read:
 1615 943.13 Officers' minimum qualifications for employment or
 1616 appointment.—On or after October 1, 1984, any person employed or
 1617 appointed as a full-time, part-time, or auxiliary law
 1618 enforcement officer or correctional officer; on or after October
 1619 1, 1986, any person employed as a full-time, part-time, or
 1620 auxiliary correctional probation officer; and on or after
 1621 October 1, 1986, any person employed as a full-time, part-time,
 1622 or auxiliary correctional officer by a private entity under
 1623 contract to the Department of Corrections, to a county
 1624 commission, or to the Department of Management Services shall:

1625 (5) Have documentation of his or her processed
1626 fingerprints on file with the employing agency or, if a private
1627 correctional officer, have documentation of his or her processed
1628 fingerprints on file with the Department of Corrections or the
1629 Criminal Justice Standards and Training Commission. ~~If~~
1630 ~~administrative delays are caused by the department or the~~
1631 ~~Federal Bureau of Investigation and the person has complied with~~
1632 ~~subsections (1) (4) and (6) (9), he or she may be employed or~~
1633 ~~appointed for a period not to exceed 1 calendar year from the~~
1634 ~~date he or she was employed or appointed or until return of the~~
1635 ~~processed fingerprints documenting noncompliance with~~
1636 ~~subsections (1) (4) or subsection (7), whichever occurs first.~~
1637 ~~Beginning January 15, 2007,~~ The department shall retain and
1638 enter into the statewide automated biometric fingerprint
1639 identification system authorized by s. 943.05 all fingerprints
1640 submitted to the department as required by this section.
1641 Thereafter, the fingerprints shall be available for all purposes
1642 and uses authorized for arrest fingerprints ~~fingerprint cards~~
1643 entered in the statewide automated biometric fingerprint
1644 identification system pursuant to s. 943.051. The department
1645 shall search all arrest fingerprints ~~fingerprint cards~~ received
1646 pursuant to s. 943.051 against the fingerprints retained in the
1647 statewide automated biometric fingerprint identification system
1648 pursuant to this section and report to the employing agency any
1649 arrest records that are identified with the retained employee's
1650 fingerprints. ~~By January 1, 2008, a person who must meet minimum~~
1651 ~~qualifications as provided in this section and whose~~
1652 ~~fingerprints are not retained by the department pursuant to this~~

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1653 ~~section must be refingerprinted.~~ These fingerprints must be
1654 forwarded to the department for processing and retention.

1655 Section 29. Subsection (1) of section 943.132, Florida
1656 Statutes, is amended to read:

1657 943.132 Implementation of federal qualified active or
1658 qualified retired law enforcement concealed firearms provisions
1659 ~~Law Enforcement Officers Safety Act of 2004.~~—

1660 (1) The commission shall by rule establish the manner in
1661 which Title 18, 44 U.S.C. ss. 926B and 926C, ~~the federal Law~~
1662 ~~Enforcement Officers Safety Act of 2004,~~ relating to the
1663 carrying of concealed firearms by qualified law enforcement
1664 officers and qualified retired law enforcement officers, as
1665 defined in the act, shall be implemented in the state. In order
1666 to facilitate the implementation within the state of Title 18,
1667 44 U.S.C. ss. 926B and 926C, the commission shall ~~develop and~~
1668 authorize a uniform firearms proficiency verification card to be
1669 issued to persons who achieve a passing score on the firing
1670 range testing component as used ~~utilized~~ in the minimum firearms
1671 proficiency course applicable to active law enforcement
1672 officers, indicating the person's name and the date upon which
1673 he or she achieved the passing score. Each such card shall be
1674 issued only by firearms instructors with current certifications
1675 from ~~certified by~~ the commission.

1676 Section 30. Paragraph (a) of subsection (6) of section
1677 943.1395, Florida Statutes, is amended to read:

1678 943.1395 Certification for employment or appointment;
1679 concurrent certification; reemployment or reappointment;
1680 inactive status; revocation; suspension; investigation.—

1681 (6) The commission shall revoke the certification of any
1682 officer who is not in compliance with the provisions of s.
1683 943.13(4) or who intentionally executes a false affidavit
1684 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

1685 (a) The commission shall cause to be investigated any
1686 ground for revocation from the employing agency pursuant to s.
1687 943.139 or from the Governor, and the commission may cause
1688 ~~investigate~~ verifiable complaints to be investigated. Any
1689 investigation initiated by the commission pursuant to this
1690 section must be completed within 6 months after receipt of the
1691 completed report of the disciplinary or internal affairs
1692 investigation from the employing agency or Governor's office. A
1693 verifiable complaint shall be completed within 1 year after
1694 receipt of the complaint. An investigation shall be considered
1695 completed upon a finding by a probable cause panel of the
1696 commission. These time periods shall be tolled during the appeal
1697 of a termination or other disciplinary action through the
1698 administrative or judicial process or during the period of any
1699 criminal prosecution of the officer.

1700 Section 31. Subsection (2), paragraph (a) of subsection
1701 (3), and subsection (6) of section 943.1755, Florida Statutes,
1702 are amended to read:

1703 943.1755 Florida Criminal Justice Executive Institute.—

1704 (2) The institute is established within the Department of
1705 Law Enforcement and affiliated with the State University System.
1706 The Board of Governors of the State University System shall, in
1707 cooperation with the Department of Law Enforcement, determine
1708 the specific placement of the institute within the system. The

1709 Department of Law Enforcement maintains responsibility for
 1710 delivering and facilitating all Florida Criminal Justice
 1711 Executive Institute training.

1712 (3) The institute shall cooperate with the Criminal
 1713 Justice Standards and Training Commission, and shall be guided
 1714 and directed by a policy board composed of the following
 1715 members:

1716 (a) The following persons shall serve on the policy board:

- 1717 1. The executive director of the Department of Law
 1718 Enforcement or a designee.
- 1719 2. The Secretary of Corrections or a designee.
- 1720 3. The Commissioner of Education or a designee ~~an employee~~
 1721 ~~of the Department of Education designated by the Commissioner.~~
- 1722 4. The Secretary of Juvenile Justice or a designee.

1723 (6) Seven ~~Six~~ members constitute a quorum of the board.

1724 Section 32. Subsection (2) of section 943.1757, Florida
 1725 Statutes, is amended to read:

1726 943.1757 Criminal justice executives; training; policy
 1727 report.—

1728 (2) The policy board of the Criminal Justice Executive
 1729 Institute shall identify the needs of criminal justice
 1730 executives regarding issues related to diverse populations, and
 1731 ensure that such needs are met through appropriate training.
 1732 ~~Beginning January 1, 1995, and every 5 years thereafter, the~~
 1733 ~~policy board shall provide to the appropriate substantive~~
 1734 ~~committees of each house a report describing executive training~~
 1735 ~~needs. In addition,~~ The policy board shall prepare a biennial
 1736 report to the appropriate substantive committees of each house

1737 describing how these needs are being met through training by the
 1738 Criminal Justice Executive Institute.

1739 Section 33. Paragraph (a) of subsection (4) and subsection
 1740 (9) of section 943.25, Florida Statutes, are amended to read:
 1741 943.25 Criminal justice trust funds; source of funds; use
 1742 of funds.—

1743 (4) The commission shall authorize the establishment of
 1744 regional training councils to advise and assist the commission
 1745 in developing and maintaining a plan assessing regional criminal
 1746 justice training needs and to act as an extension of the
 1747 commission in the planning, programming, and budgeting for
 1748 expenditures of the moneys in the Criminal Justice Standards and
 1749 Training Trust Fund.

1750 (a) The commission may ~~shall~~ annually forward to each
 1751 regional training council a list of its specific recommended
 1752 priority issues or items to be funded. Each regional training
 1753 council shall consider the recommendations of the commission in
 1754 relation to the needs of the region and either include the
 1755 recommendations in the region's budget plan or satisfactorily
 1756 justify their exclusion.

1757 (9) Up to \$250,000 per annum from the Criminal Justice
 1758 Standards and Training Trust Fund may be used to develop,
 1759 validate, update, and maintain test or assessment instruments,
 1760 including computer-based testing, relating to selection,
 1761 employment, training, or evaluation of officers, instructors, or
 1762 courses. Pursuant to s. 943.12(4), (5), and (8), the commission
 1763 shall adopt those test or assessment instruments which are
 1764 appropriate and job-related as minimum requirements.

1765 Section 34. Subsection (14) of section 943.325, Florida
 1766 Statutes, is amended to read:

1767 943.325 DNA database.—

1768 (14) RESULTS.—The results of a DNA analysis and the
 1769 comparison of analytic results shall be released only to
 1770 criminal justice agencies as defined in s. 943.045 ~~943.045(10)~~,
 1771 at the request of the agency. Otherwise, such information is
 1772 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
 1773 s. 24(a), Art. I of the State Constitution.

1774 Section 35. Section 943.33, Florida Statutes, is amended
 1775 to read:

1776 943.33 State-operated criminal analysis laboratories.—

1777 (1) The state-operated laboratories shall furnish
 1778 laboratory service upon request to law enforcement officials in
 1779 the state. The testing services of such laboratories by persons
 1780 employed by or acting on behalf of the department shall also be
 1781 available to any defendant in a criminal case upon showing of
 1782 good cause and upon order of the court with jurisdiction in the
 1783 case. When such service is to be made available to the
 1784 defendant, the order shall be issued only after motion by the
 1785 defendant and hearing held after notice with a copy of the
 1786 motion being served upon the prosecutor and the state-operated
 1787 laboratory from which the service is being sought.

1788 (2) For purposes of this section, "good cause" means a
 1789 finding by the court that the laboratory testing service being
 1790 sought by the defendant is anticipated to produce evidence that
 1791 is relevant and material to the defense; ~~;~~ that the service
 1792 sought is one which is reasonably within the capacity of the

1793 state-operated laboratory, ~~and~~ will not be unduly burdensome
1794 upon the laboratory, will not impede normal daily laboratory
1795 operations, will not negatively impact laboratory certifications
1796 or equipment calibration, and does not violate the laboratory's
1797 national certification or accreditation standards; and that the
1798 service cannot be obtained from any qualified private or
1799 nonstate operated laboratory within the state or otherwise
1800 reasonably available to the defense.

1801 (3) This section does not authorize the presence of
1802 defense experts or others representing the defense inside a
1803 state-operated laboratory facility where actual testing or
1804 analysis is occurring and does not authorize the use of state-
1805 operated laboratory equipment or facilities by defense experts
1806 or other persons not employed by or acting on the behalf of the
1807 department.

1808 (4) The court shall assess the costs of all testing,
1809 equipment operation, and personnel and any other costs directly
1810 attributable to the court-ordered testing ~~such service ordered~~
1811 by the court to the defendant or the defendant's counsel,
1812 whether public, private, or pro bono, who obtained the testing
1813 order ~~local public defender's office.~~ The laboratory providing
1814 the service ordered shall include with the report of the
1815 analysis, comparison, or identification a statement of the costs
1816 of the service provided and shall provide a copy of all reports
1817 and analysis performed and cost statement being provided to the
1818 prosecutor in the case and the court.

1819 Section 36. Subsection (9) of section 943.68, Florida
1820 Statutes, is amended to read:

1821 943.68 Transportation and protective services.—
 1822 (9) The department shall submit a report each August ~~July~~
 1823 15 to the Governor, the Legislature, and the Cabinet, detailing
 1824 all transportation and protective services provided under
 1825 subsections (1), (5), and (6) within the preceding fiscal year.
 1826 Each report shall include a detailed accounting of the cost of
 1827 such transportation and protective services, including the names
 1828 of persons provided such services and the nature of state
 1829 business performed.

1830 Section 37. Subsection (3) of section 285.18, Florida
 1831 Statutes, is amended to read:

1832 285.18 Tribal council as governing body; powers and
 1833 duties.—

1834 (3) The law enforcement agencies of the Seminole Tribe of
 1835 Florida and the Miccosukee Tribe of Indians of Florida shall
 1836 have the authority of "criminal justice agencies" as defined in
 1837 s. 945.045(11)(e) ~~943.045(10)(e)~~ and shall have the specific
 1838 authority to negotiate agreements with the ~~Florida~~ Department of
 1839 Law Enforcement, the United States Department of Justice, and
 1840 other federal law enforcement agencies for access to criminal
 1841 history records for the purpose of conducting ongoing criminal
 1842 investigations and for the following governmental purposes:

1843 (a) Background investigations, which are required for
 1844 employment by a tribal education program, tribal Head Start
 1845 program, or tribal day care program as may be required by state
 1846 or federal law.

1847 (b) Background investigations, which are required for
 1848 employment by tribal law enforcement agencies.

1849 (c) Background investigations, which are required for
 1850 employment by a tribal government.

1851 (d) Background investigations with respect to all
 1852 employees, primary management officials, and all persons having
 1853 a financial interest in a class II Indian tribal gaming
 1854 enterprise to ensure eligibility as provided in the Indian
 1855 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et al.

1856
 1857 With regard to those investigations authorized in paragraphs
 1858 (a), (c), and (d), each such individual shall file a complete
 1859 set of his or her fingerprints that have been taken by an
 1860 authorized law enforcement officer, which set of fingerprints
 1861 shall be submitted to the Department of Law Enforcement for
 1862 state processing and to the Federal Bureau of Investigation for
 1863 federal processing. The cost of processing shall be borne by the
 1864 applicant.

1865 Section 38. Paragraph (b) of subsection (2) of section
 1866 414.40, Florida Statutes, is amended to read:

1867 414.40 Stop Inmate Fraud Program established; guidelines.—

1868 (2) The Department of Financial Services is directed to
 1869 implement the Stop Inmate Fraud Program in accordance with the
 1870 following guidelines:

1871 (b) Pursuant to these procedures, the program shall have
 1872 access to records containing correctional information not exempt
 1873 from the public records law on incarcerated persons which have
 1874 been generated as criminal justice information. As used in this
 1875 paragraph, the terms ~~term~~ "record" ~~is defined as provided in s.~~
 1876 ~~943.045(7)~~, and ~~the term~~ "criminal justice information" have the

1877 | same meanings ~~is defined~~ as provided in s. 943.045 ~~943.045(3)~~.

1878 | Section 39. Section 447.045, Florida Statutes, is amended
1879 | to read:

1880 | 447.045 Information confidential.—Neither the department
1881 | nor any investigator or employee of the department shall divulge
1882 | in any manner the information obtained pursuant to the
1883 | processing of applicant fingerprints ~~fingerprint cards~~, and such
1884 | information is confidential and exempt from ~~the provisions of~~ s.
1885 | 119.07(1).

1886 | Section 40. Subsection (10) of section 455.213, Florida
1887 | Statutes, is amended to read:

1888 | 455.213 General licensing provisions.—

1889 | (10) For any profession requiring fingerprints as part of
1890 | the registration, certification, or licensure process or for any
1891 | profession requiring a criminal history record check to
1892 | determine good moral character, ~~a fingerprint card containing~~
1893 | the fingerprints of the applicant must accompany all
1894 | applications for registration, certification, or licensure. The
1895 | fingerprints ~~fingerprint card~~ shall be forwarded to the Division
1896 | of Criminal Justice Information Systems within the Department of
1897 | Law Enforcement for ~~purposes of processing the fingerprint card~~
1898 | to determine whether ~~if~~ the applicant has a criminal history
1899 | record. The fingerprints ~~fingerprint card~~ shall also be
1900 | forwarded to the Federal Bureau of Investigation ~~for purposes of~~
1901 | ~~processing the fingerprint card~~ to determine whether ~~if~~ the
1902 | applicant has a criminal history record. The information
1903 | obtained by the processing of the fingerprints ~~fingerprint card~~
1904 | by the ~~Florida~~ Department of Law Enforcement and the Federal

1905 Bureau of Investigation shall be sent to the department to
 1906 determine whether ~~for the purpose of determining if~~ the
 1907 applicant is statutorily qualified for registration,
 1908 certification, or licensure.

1909 Section 41. Paragraph (d) of subsection (2) of section
 1910 468.453, Florida Statutes, is amended to read:

1911 468.453 Licensure required; qualifications; license
 1912 nontransferable; service of process; temporary license; license
 1913 or application from another state.—

1914 (2) A person shall be licensed as an athlete agent if the
 1915 applicant:

1916 (d) Has submitted to the department fingerprints ~~a~~
 1917 ~~fingerprint card~~ for a criminal history records check. The
 1918 fingerprints ~~fingerprint card~~ shall be forwarded to the Division
 1919 of Criminal Justice Information Systems within the Department of
 1920 Law Enforcement for ~~purposes of processing the fingerprint card~~
 1921 to determine whether ~~if~~ the applicant has a criminal history
 1922 record. The fingerprints ~~fingerprint card~~ shall also be
 1923 forwarded to the Federal Bureau of Investigation ~~for purposes of~~
 1924 ~~processing the fingerprint card~~ to determine whether ~~if~~ the
 1925 applicant has a criminal history record. The information
 1926 obtained by the processing of the fingerprints ~~fingerprint card~~
 1927 by the ~~Florida~~ Department of Law Enforcement and the Federal
 1928 Bureau of Investigation shall be sent to the department to
 1929 determine whether ~~for the purpose of determining if~~ the
 1930 applicant is statutorily qualified for licensure.

1931 Section 42. Subsection (3) of section 475.615, Florida
 1932 Statutes, is amended to read:

1933 475.615 Qualifications for registration or certification.-
 1934 (3) Appropriate fees, as set forth in the rules of the
 1935 board pursuant to s. 475.6147, and a set of fingerprints
 1936 ~~fingerprint card~~ must accompany all applications for
 1937 registration or certification. The fingerprints ~~fingerprint card~~
 1938 shall be forwarded to the Division of Criminal Justice
 1939 Information Systems within the Department of Law Enforcement for
 1940 ~~purposes of processing the fingerprint card~~ to determine whether
 1941 ~~if~~ the applicant has a criminal history record. The fingerprints
 1942 ~~fingerprint card~~ shall also be forwarded to the Federal Bureau
 1943 of Investigation ~~for purposes of processing the fingerprint card~~
 1944 to determine whether ~~if~~ the applicant has a criminal history
 1945 record. The information obtained by the processing of the
 1946 fingerprints ~~fingerprint card~~ by the Department of Law
 1947 Enforcement and the Federal Bureau of Investigation shall be
 1948 sent to the department to determine whether ~~for the purpose of~~
 1949 ~~determining if~~ the applicant is statutorily qualified for
 1950 registration or certification. ~~Effective July 1, 2006, an~~
 1951 ~~applicant must provide fingerprints in electronic format.~~

1952 Section 43. Paragraph (j) of subsection (3) of section
 1953 493.6105, Florida Statutes, is amended to read:

1954 493.6105 Initial application for license.-

1955 (3) The application must contain the following information
 1956 concerning the individual signing the application:

1957 (j) A full set of fingerprints ~~on a card provided by the~~
 1958 ~~department~~ and a fingerprint fee to be established by rule of
 1959 the department based upon costs determined by state and federal
 1960 agency charges and department processing costs. An applicant who

1961 has, within the immediately preceding 6 months, submitted such
 1962 fingerprints ~~a fingerprint card~~ and fee for licensing purposes
 1963 under this chapter is not required to submit another set of
 1964 fingerprints ~~fingerprint card~~ or fee.

1965 Section 44. Paragraph (a) of subsection (1) of section
 1966 493.6108, Florida Statutes, is amended to read:

1967 493.6108 Investigation of applicants by Department of
 1968 Agriculture and Consumer Services.—

1969 (1) Except as otherwise provided, the department must
 1970 investigate an applicant for a license under this chapter before
 1971 it may issue the license. The investigation must include:

1972 (a)1. An examination of fingerprint records and police
 1973 records. If a criminal history record check of any applicant
 1974 under this chapter is performed by means of fingerprint ~~card~~
 1975 identification, the time limitations prescribed by s. 120.60(1)
 1976 shall be tolled during the time the applicant's fingerprints are
 1977 ~~fingerprint card~~ is under review by the Department of Law
 1978 Enforcement or the United States Department of Justice, Federal
 1979 Bureau of Investigation.

1980 2. If a legible set of fingerprints, as determined by the
 1981 Department of Law Enforcement or the Federal Bureau of
 1982 Investigation, cannot be obtained after two attempts, the
 1983 Department of Agriculture and Consumer Services may determine
 1984 the applicant's eligibility based upon a criminal history record
 1985 check under the applicant's name conducted by the Department of
 1986 Law Enforcement if the fingerprints are taken by a law
 1987 enforcement agency or the department and the applicant submits a
 1988 written statement signed by the fingerprint technician or a

1989 licensed physician stating that there is a physical condition
 1990 that precludes obtaining a legible set of fingerprints or that
 1991 the fingerprints taken are the best that can be obtained.

1992 Section 45. Paragraph (f) of subsection (2) of section
 1993 494.00312, Florida Statutes, is amended to read:

1994 494.00312 Loan originator license.—

1995 (2) In order to apply for a loan originator license, an
 1996 applicant must:

1997 (f) Submit fingerprints in accordance with rules adopted
 1998 by the commission:

1999 1. The fingerprints may be submitted to the registry, the
 2000 office, or a vendor acting on behalf of the registry or the
 2001 office.

2002 2. The office may contract with a third-party vendor to
 2003 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
 2004 ~~card~~.

2005 3. A state criminal history background check must be
 2006 conducted through the Department of Law Enforcement, and a
 2007 federal criminal history background check must be conducted
 2008 through the Federal Bureau of Investigation.

2009 4. All fingerprints submitted to the Department of Law
 2010 Enforcement must be submitted electronically and entered into
 2011 the statewide automated biometric fingerprint identification
 2012 system established in s. 943.05(2) (b) and available for use in
 2013 accordance with s. 943.05(2) (g) and (h). The office shall pay an
 2014 annual fee to the department to participate in the system and
 2015 inform the department of any person whose fingerprints are no
 2016 longer required to be retained.

2017 5. The costs of fingerprint processing, including the cost
 2018 of retaining the fingerprints, shall be borne by the person
 2019 subject to the background check.

2020 6. The office is responsible for reviewing the results of
 2021 the state and federal criminal history checks and determining
 2022 whether the applicant meets licensure requirements.

2023 Section 46. Paragraph (d) of subsection (2) of section
 2024 494.00321, Florida Statutes, is amended to read:

2025 494.00321 Mortgage broker license.—

2026 (2) In order to apply for a mortgage broker license, an
 2027 applicant must:

2028 (d) Submit fingerprints for each of the applicant's
 2029 control persons in accordance with rules adopted by the
 2030 commission:

2031 1. The fingerprints may be submitted to the registry, the
 2032 office, or a vendor acting on behalf of the registry or the
 2033 office.

2034 2. The office may contract with a third-party vendor to
 2035 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
 2036 ~~card.~~

2037 3. A state criminal history background check must be
 2038 conducted through the Department of Law Enforcement, and a
 2039 federal criminal history background check must be conducted
 2040 through the Federal Bureau of Investigation.

2041 4. All fingerprints submitted to the Department of Law
 2042 Enforcement must be submitted electronically and entered into
 2043 the statewide automated biometric ~~fingerprint~~ identification
 2044 system established in s. 943.05(2)(b) and available for use in

2045 | accordance with s. 943.05(2)(g) and (h). The office shall pay an
 2046 | annual fee to the department to participate in the system and
 2047 | inform the department of any person whose fingerprints are no
 2048 | longer required to be retained.

2049 | 5. The costs of fingerprint processing, including the cost
 2050 | of retaining the fingerprints, shall be borne by the person
 2051 | subject to the background check.

2052 | 6. The office is responsible for reviewing the results of
 2053 | the state and federal criminal history checks and determining
 2054 | whether the applicant meets licensure requirements.

2055 | Section 47. Paragraph (d) of subsection (2) of section
 2056 | 494.00611, Florida Statutes, is amended to read:

2057 | 494.00611 Mortgage lender license.—

2058 | (2) In order to apply for a mortgage lender license, an
 2059 | applicant must:

2060 | (d) Submit fingerprints for each of the applicant's
 2061 | control persons in accordance with rules adopted by the
 2062 | commission:

2063 | 1. The fingerprints may be submitted to the registry, the
 2064 | office, or a vendor acting on behalf of the registry or the
 2065 | office.

2066 | 2. The office may contract with a third-party vendor to
 2067 | provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
 2068 | ~~card.~~

2069 | 3. A state criminal history background check must be
 2070 | conducted through the Department of Law Enforcement, and a
 2071 | federal criminal history background check must be conducted
 2072 | through the Federal Bureau of Investigation.

2073 4. All fingerprints submitted to the Department of Law
2074 Enforcement must be submitted electronically and entered into
2075 the statewide automated biometric ~~finger~~print identification
2076 system established in s. 943.05(2)(b) and available for use in
2077 accordance with s. 943.05(2)(g) and (h). The office shall pay an
2078 annual fee to the department to participate in the system and
2079 inform the department of any person whose fingerprints are no
2080 longer required to be retained.

2081 5. The costs of fingerprint processing, including the cost
2082 of retaining the fingerprints, shall be borne by the person
2083 subject to the background check.

2084 6. The office is responsible for reviewing the results of
2085 the state and federal criminal history checks and determining
2086 whether the applicant meets licensure requirements.

2087 Section 48. Subsections (7) and (10) of section 517.12,
2088 Florida Statutes, are amended to read:

2089 517.12 Registration of dealers, associated persons,
2090 investment advisers, and branch offices.—

2091 (7) The application shall also contain such information as
2092 the commission or office may require about the applicant; any
2093 member, principal, or director of the applicant or any person
2094 having a similar status or performing similar functions; any
2095 person directly or indirectly controlling the applicant; or any
2096 employee of a dealer or of an investment adviser rendering
2097 investment advisory services. Each applicant and any direct
2098 owners, principals, or indirect owners that are required to be
2099 reported on Form BD or Form ADV pursuant to subsection (15)
2100 shall file a complete set of fingerprints. Fingerprints ~~A~~

2101 | ~~fingerprint card~~ submitted to the office must be taken by an
2102 | authorized law enforcement agency or in a manner approved by the
2103 | commission by rule. The office shall submit the fingerprints to
2104 | the Department of Law Enforcement for state processing, and the
2105 | Department of Law Enforcement shall forward the fingerprints to
2106 | the Federal Bureau of Investigation for federal processing. The
2107 | cost of the fingerprint processing may be borne by the office,
2108 | the employer, or the person subject to the background check. The
2109 | Department of Law Enforcement shall submit an invoice to the
2110 | office for the fingerprints received each month. The office
2111 | shall screen the background results to determine whether ~~if~~ the
2112 | applicant meets licensure requirements. The commission may
2113 | waive, by rule, the requirement that applicants, including any
2114 | direct owners, principals, or indirect owners that are required
2115 | to be reported on Form BD or Form ADV pursuant to subsection
2116 | (15), file a set of fingerprints or the requirement that such
2117 | fingerprints be processed by the Department of Law Enforcement
2118 | or the Federal Bureau of Investigation. The commission or office
2119 | may require information about any such applicant or person
2120 | concerning such matters as:

2121 | (a) His or her full name, and any other names by which he
2122 | or she may have been known, and his or her age, social security
2123 | number, photograph, qualifications, and educational and business
2124 | history.

2125 | (b) Any injunction or administrative order by a state or
2126 | federal agency, national securities exchange, or national
2127 | securities association involving a security or any aspect of the
2128 | securities business and any injunction or administrative order

2129 | by a state or federal agency regulating banking, insurance,
 2130 | finance, or small loan companies, real estate, mortgage brokers,
 2131 | or other related or similar industries, which injunctions or
 2132 | administrative orders relate to such person.

2133 | (c) His or her conviction of, or plea of nolo contendere
 2134 | to, a criminal offense or his or her commission of any acts
 2135 | which would be grounds for refusal of an application under s.
 2136 | 517.161.

2137 | (d) The names and addresses of other persons of whom the
 2138 | office may inquire as to his or her character, reputation, and
 2139 | financial responsibility.

2140 | (10) An applicant for registration shall pay an assessment
 2141 | fee of \$200, in the case of a dealer or investment adviser, or
 2142 | \$50, in the case of an associated person. An associated person
 2143 | may be assessed an additional fee to cover the cost for the
 2144 | fingerprints ~~fingerprnt cards~~ to be processed by the office.
 2145 | Such fee shall be determined by rule of the commission. Each
 2146 | dealer and each investment adviser shall pay an assessment fee
 2147 | of \$100 for each office in this state. Such fees become the
 2148 | revenue of the state, except for those assessments provided for
 2149 | under s. 517.131(1) until such time as the Securities Guaranty
 2150 | Fund satisfies the statutory limits, and are not returnable in
 2151 | the event that registration is withdrawn or not granted.

2152 | Section 49. Subsection (2) of section 538.09, Florida
 2153 | Statutes, is amended to read:

2154 | 538.09 Registration.—

2155 | (2) The secondhand dealer shall furnish with her or his
 2156 | registration a complete set of her or his fingerprints,

2157 certified by an authorized law enforcement officer, and a recent
 2158 fullface photographic identification card of herself or himself.
 2159 The Department of Law Enforcement shall report its findings to
 2160 the Department of Revenue within 30 days after the date the
 2161 fingerprints ~~fingerpr~~~~int~~ ~~cards~~ are submitted for criminal
 2162 justice information.

2163 Section 50. Paragraph (b) of subsection (1) of section
 2164 538.25, Florida Statutes, is amended to read:

2165 538.25 Registration.—

2166 (1) A person may not engage in business as a secondary
 2167 metals recycler at any location without registering with the
 2168 department. The department shall accept applications only from a
 2169 fixed business address. The department may not accept an
 2170 application that provides an address of a hotel room or motel
 2171 room, a vehicle, or a post office box.

2172 (b) The department shall forward the full set of
 2173 fingerprints to the Department of Law Enforcement for state and
 2174 federal processing, provided the federal service is available,
 2175 to be processed for any criminal justice information as defined
 2176 in s. 943.045. The cost of processing such fingerprints shall be
 2177 payable to the Department of Law Enforcement by the department.
 2178 The department may issue a temporary registration to each
 2179 location pending completion of the background check by state and
 2180 federal law enforcement agencies, but shall revoke such
 2181 temporary registration if the completed background check reveals
 2182 a prohibited criminal background. The Department of Law
 2183 Enforcement shall report its findings to the Department of
 2184 Revenue within 30 days after the date the fingerprints

2185 | ~~fingerprint cards~~ are submitted for criminal justice
 2186 | information.

2187 | Section 51. Subsection (2) of section 548.024, Florida
 2188 | Statutes, is amended to read:

2189 | 548.024 Background investigation of applicants for
 2190 | licensure.—

2191 | (2) If the commission requires a background criminal
 2192 | history investigation of any applicant, it shall require the
 2193 | applicant to submit to the department fingerprints ~~a fingerprint~~
 2194 | ~~card~~ for this purpose. The fingerprints ~~fingerprint card~~ shall
 2195 | be forwarded to the Division of Criminal Justice Information
 2196 | Systems within the Department of Law Enforcement and the Federal
 2197 | Bureau of Investigation for ~~purposes of processing the~~
 2198 | ~~fingerprint card~~ to determine whether ~~if~~ the applicant has a
 2199 | criminal history record. The information obtained by the
 2200 | processing of the fingerprints ~~fingerprint card~~ by the
 2201 | Department of Law Enforcement and the Federal Bureau of
 2202 | Investigation shall be sent to the department to determine
 2203 | whether ~~for the purpose of determining if~~ the applicant is
 2204 | statutorily qualified for licensure.

2205 | Section 52. Paragraphs (b) and (c) of subsection (10) of
 2206 | section 550.105, Florida Statutes, are amended to read:

2207 | 550.105 Occupational licenses of racetrack employees;
 2208 | fees; denial, suspension, and revocation of license; penalties
 2209 | and fines.—

2210 | (10)

2211 | (b) All fingerprints required by this section that are
 2212 | submitted to the Department of Law Enforcement shall be retained

2213 by the Department of Law Enforcement and entered into the
2214 statewide automated biometric ~~fingerprint~~ identification system
2215 as authorized by s. 943.05(2)(b) and shall be available for all
2216 purposes and uses authorized for arrest fingerprints ~~fingerprint~~
2217 ~~cards~~ entered into the statewide automated biometric ~~fingerprint~~
2218 identification system pursuant to s. 943.051.

2219 (c) The Department of Law Enforcement shall search all
2220 arrest fingerprints received pursuant to s. 943.051 against the
2221 fingerprints retained in the statewide automated biometric
2222 ~~fingerprint~~ identification system under paragraph (b). Any
2223 arrest record that is identified with the retained fingerprints
2224 of a person subject to the criminal history screening
2225 requirements of this section shall be reported to the division.
2226 Each licensee shall pay a fee to the division for the cost of
2227 retention of the fingerprints and the ongoing searches under
2228 this paragraph. The division shall forward the payment to the
2229 Department of Law Enforcement. The amount of the fee to be
2230 imposed for performing these searches and the procedures for the
2231 retention of licensee fingerprints shall be as established by
2232 rule of the Department of Law Enforcement. The division shall
2233 inform the Department of Law Enforcement of any change in the
2234 license status of licensees whose fingerprints are retained
2235 under paragraph (b).

2236 Section 53. Subsection (2) of section 550.908, Florida
2237 Statutes, is amended to read:

2238 550.908 Powers and duties of compact committee.—In order
2239 to carry out the purposes of this compact, the compact committee
2240 has the power and duty to:

2241 (2) Investigate applicants for licensure by the compact
2242 committee and, as permitted by federal and state law, gather
2243 information on such applicants, including criminal history
2244 record information from the Federal Bureau of Investigation and
2245 relevant state and local law enforcement agencies, and, where
2246 appropriate, from the Royal Canadian Mounted Police and law
2247 enforcement agencies of other countries, which is necessary to
2248 determine whether a license should be issued under the licensure
2249 requirements established by the committee under subsection (1).
2250 The fingerprints of each applicant for licensure by the compact
2251 committee shall be taken by the compact committee, its
2252 employees, or its designee, and, pursuant to Pub. L. No. 92-544
2253 or Pub. L. No. 100-413, shall be forwarded to a state
2254 identification bureau or to the Association of Racing
2255 Commissioners International, Inc., for submission to the Federal
2256 Bureau of Investigation for a criminal history record check.
2257 Such fingerprints may be submitted ~~on a fingerprint card or~~ by
2258 electronic or other means authorized by the Federal Bureau of
2259 Investigation or other receiving law enforcement agency.

2260 Section 54. Paragraphs (c) and (d) of subsection (7) of
2261 section 551.107, Florida Statutes, are amended to read:

2262 551.107 Slot machine occupational license; findings;
2263 application; fee.—

2264 (7) Fingerprints for all slot machine occupational license
2265 applications shall be taken in a manner approved by the division
2266 and shall be submitted electronically to the Department of Law
2267 Enforcement for state processing and the Federal Bureau of
2268 Investigation for national processing for a criminal history

2269 record check. All persons as specified in s. 550.1815(1) (a)
 2270 employed by or working within a licensed premises shall submit
 2271 fingerprints for a criminal history record check and may not
 2272 have been convicted of any disqualifying criminal offenses
 2273 specified in subsection (6). Division employees and law
 2274 enforcement officers assigned by their employing agencies to
 2275 work within the premises as part of their official duties are
 2276 excluded from the criminal history record check requirements
 2277 under this subsection. For purposes of this subsection, the term
 2278 "convicted" means having been found guilty, with or without
 2279 adjudication of guilt, as a result of a jury verdict, nonjury
 2280 trial, or entry of a plea of guilty or nolo contendere.

2281 (c) All fingerprints submitted to the Department of Law
 2282 Enforcement and required by this section shall be retained by
 2283 the Department of Law Enforcement and entered into the statewide
 2284 automated biometric ~~fingerpr~~ identification system as
 2285 authorized by s. 943.05(2) (b) and shall be available for all
 2286 purposes and uses authorized for arrest fingerprints ~~fingerpr~~
 2287 ~~cards~~ entered into the statewide automated biometric ~~fingerpr~~
 2288 identification system pursuant to s. 943.051.

2289 (d) The Department of Law Enforcement shall search all
 2290 arrest fingerprints received pursuant to s. 943.051 against the
 2291 fingerprints retained in the statewide automated biometric
 2292 ~~fingerpr~~ identification system under paragraph (c). Any
 2293 arrest record that is identified with the retained fingerprints
 2294 of a person subject to the criminal history screening
 2295 requirements of this section shall be reported to the division.
 2296 Each licensed facility shall pay a fee to the division for the

2297 cost of retention of the fingerprints and the ongoing searches
 2298 under this paragraph. The division shall forward the payment to
 2299 the Department of Law Enforcement. The amount of the fee to be
 2300 imposed for performing these searches and the procedures for the
 2301 retention of licensee fingerprints shall be as established by
 2302 rule of the Department of Law Enforcement. The division shall
 2303 inform the Department of Law Enforcement of any change in the
 2304 license status of licensees whose fingerprints are retained
 2305 under paragraph (c).

2306 Section 55. Paragraph (b) of subsection (1) of section
 2307 560.141, Florida Statutes, is amended to read:

2308 560.141 License application.—

2309 (1) To apply for a license as a money services business
 2310 under this chapter the applicant must:

2311 (b) In addition to the application form, submit:

2312 1. A nonrefundable application fee as provided in s.
 2313 560.143.

2314 2. A set of fingerprints ~~fingerprint card~~ for each of the
 2315 persons listed in subparagraph (a)3. unless the applicant is a
 2316 publicly traded corporation, or is exempted from this chapter
 2317 under s. 560.104(1). The fingerprints must be taken by an
 2318 authorized law enforcement agency. The office shall submit the
 2319 fingerprints to the Department of Law Enforcement for state
 2320 processing, and the Department of Law Enforcement shall forward
 2321 the fingerprints to the Federal Bureau of Investigation for
 2322 federal processing. The cost of the fingerprint processing may
 2323 be borne by the office, the employer, or the person subject to
 2324 the criminal records background check. The office shall screen

2325 the background results to determine whether ~~if~~ the applicant
2326 meets licensure requirements. As used in this section, the term
2327 "publicly traded" means a stock is currently traded on a
2328 national securities exchange registered with the federal
2329 Securities and Exchange Commission or traded on an exchange in a
2330 country other than the United States regulated by a regulator
2331 equivalent to the Securities and Exchange Commission and the
2332 disclosure and reporting requirements of such regulator are
2333 substantially similar to those of the commission.

2334 3. A copy of the applicant's written anti-money laundering
2335 program required under 31 C.F.R. s. 103.125.

2336 4. Within the time allotted by rule, any information
2337 needed to resolve any deficiencies found in the application.

2338 Section 56. Subsection (1) of section 628.906, Florida
2339 Statutes, is amended to read:

2340 628.906 Application requirements; restrictions on
2341 eligibility of officers and directors.—

2342 (1) To evidence competence and trustworthiness of its
2343 officers and directors, the application for a license to act as
2344 a captive insurance company or captive reinsurance company shall
2345 include, but not be limited to, background investigations,
2346 biographical affidavits, and fingerprints ~~fingerprint cards~~ for
2347 all officers and directors. Fingerprints must be taken by a law
2348 enforcement agency or other entity approved by the office, be
2349 accompanied by the fingerprint processing fee specified in s.
2350 624.501, and processed in accordance with s. 624.34.

2351 Section 57. Subsection (3) of section 633.34, Florida
2352 Statutes, is amended to read:

2353 633.34 Firefighters; qualifications for employment.—Any
2354 person applying for employment as a firefighter must:

2355 (3) Submit a set of fingerprints ~~fingerprint card~~ to the
2356 division with a current processing fee. The fingerprints
2357 ~~fingerprint card~~ will be forwarded to the Department of Law
2358 Enforcement and/or the Federal Bureau of Investigation.

2359 Section 58. Subsections (2) and (3) and paragraphs (b) and
2360 (c) of subsection (4) of section 744.3135, Florida Statutes, are
2361 amended to read:

2362 744.3135 Credit and criminal investigation.—

2363 (2) For nonprofessional guardians, the court shall accept
2364 the satisfactory completion of a criminal history record check
2365 as described in this subsection. A nonprofessional guardian
2366 satisfies the requirements of this section by undergoing a state
2367 and national criminal history record check using fingerprints a
2368 ~~fingerprint card~~. ~~The clerk of the court shall obtain~~
2369 ~~fingerprint cards from the Federal Bureau of Investigation and~~
2370 ~~make them available to nonprofessional guardians.~~ Any
2371 nonprofessional guardian who is so required shall have his or
2372 her fingerprints taken and forward them ~~the completed~~
2373 ~~fingerprint card~~ along with the necessary fee to the Department
2374 of Law Enforcement for processing. The results of the
2375 fingerprint ~~card~~ criminal history record check shall be
2376 forwarded to the clerk of the court, who shall maintain the
2377 results in the nonprofessional guardian's file and make the
2378 results available to the court.

2379 (3) For professional guardians, the court and the
2380 Statewide Public Guardianship Office shall accept the

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2381 satisfactory completion of a criminal history record check by
2382 any method described in this subsection. A professional guardian
2383 satisfies the requirements of this section by undergoing⁺
2384 ~~(a)~~ an electronic fingerprint criminal history record
2385 check. A professional guardian may use any electronic
2386 fingerprinting equipment used for criminal history record
2387 checks. The Statewide Public Guardianship Office shall adopt a
2388 rule detailing the acceptable methods for completing an
2389 electronic fingerprint criminal history record check under this
2390 section. The professional guardian shall pay the actual costs
2391 incurred by the Federal Bureau of Investigation and the
2392 Department of Law Enforcement for the criminal history record
2393 check. The entity completing the record check must immediately
2394 send the results of the criminal history record check to the
2395 clerk of the court and the Statewide Public Guardianship Office.
2396 The clerk of the court shall maintain the results in the
2397 professional guardian's file and shall make the results
2398 available to the court; ~~or~~

2399 ~~(b) A criminal history record check using a fingerprint~~
2400 ~~card. The clerk of the court shall obtain fingerprint cards from~~
2401 ~~the Federal Bureau of Investigation and make them available to~~
2402 ~~guardians. Any guardian who is so required shall have his or her~~
2403 ~~fingerprints taken and forward the proper fingerprint card along~~
2404 ~~with the necessary fee to the Department of Law Enforcement for~~
2405 ~~processing. The results of the fingerprint card criminal history~~
2406 ~~record checks shall be forwarded to the clerk of the court, who~~
2407 ~~shall maintain the results in the guardian's file and make the~~
2408 ~~results available to the court and the Statewide Public~~

2409 | ~~Guardianship Office.~~

2410 | (4)

2411 | (b) All fingerprints electronically submitted to the
 2412 | Department of Law Enforcement under this section shall be
 2413 | retained by the Department of Law Enforcement in a manner
 2414 | provided by rule and entered in the statewide automated
 2415 | biometric fingerprint identification system authorized by s.
 2416 | 943.05(2)(b). The fingerprints shall thereafter be available for
 2417 | all purposes and uses authorized for arrest fingerprints
 2418 | ~~fingerprint cards~~ entered in the Criminal Justice Information
 2419 | Program under s. 943.051.

2420 | (c) The Department of Law Enforcement shall search all
 2421 | arrest fingerprints ~~fingerprint cards~~ received under s. 943.051
 2422 | against the fingerprints retained in the statewide automated
 2423 | biometric fingerprint identification system under paragraph (b).
 2424 | Any arrest record that is identified with the fingerprints of a
 2425 | person described in this paragraph must be reported to the clerk
 2426 | of court. The clerk of court must forward any arrest record
 2427 | received for a professional guardian to the Statewide Public
 2428 | Guardianship Office within 5 days. Each professional guardian
 2429 | who elects to submit fingerprint information electronically
 2430 | shall participate in this search process by paying an annual fee
 2431 | to the Statewide Public Guardianship Office of the Department of
 2432 | Elderly Affairs and by informing the clerk of court and the
 2433 | Statewide Public Guardianship Office of any change in the status
 2434 | of his or her guardianship appointment. The amount of the annual
 2435 | fee to be imposed for performing these searches and the
 2436 | procedures for the retention of professional guardian

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2437 fingerprints and the dissemination of search results shall be
2438 established by rule of the Department of Law Enforcement. At
2439 least once every 5 years, the Statewide Public Guardianship
2440 Office must request that the Department of Law Enforcement
2441 forward the fingerprints maintained under this section to the
2442 Federal Bureau of Investigation.

2443 Section 59. Paragraph (b) of subsection (5) of section
2444 775.21, Florida Statutes, is amended to read:

2445 775.21 The Florida Sexual Predators Act.—

2446 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
2447 as a sexual predator as follows:

2448 (b) If a sexual predator is not sentenced to a term of
2449 imprisonment, the clerk of the court shall ensure that the
2450 sexual predator's fingerprints are taken and forwarded to the
2451 department within 48 hours after the court renders its written
2452 sexual predator finding. The fingerprints ~~fingerprint card~~ shall
2453 be clearly marked, "Sexual Predator Registration ~~Card~~." The
2454 clerk of the court that convicts and sentences the sexual
2455 predator for the offense or offenses described in subsection (4)
2456 shall forward to the department and to the Department of
2457 Corrections a certified copy of any order entered by the court
2458 imposing any special condition or restriction on the sexual
2459 predator that ~~which~~ restricts or prohibits access to the victim,
2460 if the victim is a minor, or to other minors.

2461 Section 60. Paragraph (d) of subsection (3) of section
2462 775.261, Florida Statutes, is amended to read:

2463 775.261 The Florida Career Offender Registration Act.—

2464 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

2465 (d) If a career offender is not sentenced to a term of
2466 imprisonment, the clerk of the court shall ensure that the
2467 career offender's fingerprints are taken and forwarded to the
2468 department within 48 hours after the court renders its finding
2469 that an offender is a career offender. The fingerprints
2470 ~~fingerprint card~~ shall be clearly marked, "Career Offender
2471 Registration Card."

2472 Section 61. Paragraph (a) of subsection (11) of section
2473 790.06, Florida Statutes, is amended to read:

2474 790.06 License to carry concealed weapon or firearm.—

2475 (11) (a) No less than 90 days before the expiration date of
2476 the license, the Department of Agriculture and Consumer Services
2477 shall mail to each licensee a written notice of the expiration
2478 and a renewal form prescribed by the Department of Agriculture
2479 and Consumer Services. The licensee must renew his or her
2480 license on or before the expiration date by filing with the
2481 Department of Agriculture and Consumer Services the renewal form
2482 containing a notarized affidavit stating that the licensee
2483 remains qualified pursuant to the criteria specified in
2484 subsections (2) and (3), a color photograph as specified in
2485 paragraph (5) (e), and the required renewal fee. Out-of-state
2486 residents must also submit a complete set of fingerprints
2487 ~~completed fingerprint card~~ and fingerprint processing fee. The
2488 license shall be renewed upon receipt of the completed renewal
2489 form, color photograph, appropriate payment of fees, and, if
2490 applicable, fingerprints ~~a completed fingerprint card~~.
2491 Additionally, a licensee who fails to file a renewal application
2492 on or before its expiration date must renew his or her license

2493 | by paying a late fee of \$15. A license may not be renewed 180
 2494 | days or more after its expiration date, and such a license is
 2495 | deemed to be permanently expired. A person whose license has
 2496 | been permanently expired may reapply for licensure; however, an
 2497 | application for licensure and fees under subsection (5) must be
 2498 | submitted, and a background investigation shall be conducted
 2499 | pursuant to this section. A person who knowingly files false
 2500 | information under this subsection is subject to criminal
 2501 | prosecution under s. 837.06.

2502 | Section 62. Subsection (3) of section 944.607, Florida
 2503 | Statutes, is amended to read:

2504 | 944.607 Notification to Department of Law Enforcement of
 2505 | information on sexual offenders.—

2506 | (3) If a sexual offender is not sentenced to a term of
 2507 | imprisonment, the clerk of the court shall ensure that the
 2508 | sexual offender's fingerprints are taken and forwarded to the
 2509 | Department of Law Enforcement within 48 hours after the court
 2510 | sentences the offender. The fingerprints ~~fingerprint card~~ shall
 2511 | be clearly marked "Sexual Offender Registration ~~Card~~."

2512 | Section 63. Subsection (2) of section 944.608, Florida
 2513 | Statutes, is amended to read:

2514 | 944.608 Notification to Department of Law Enforcement of
 2515 | information on career offenders.—

2516 | (2) If a career offender is not sentenced to a term of
 2517 | imprisonment, the clerk of the court shall ensure that the
 2518 | career offender's fingerprints are taken and forwarded to the
 2519 | Department of Law Enforcement within 48 hours after the court
 2520 | sentences the career offender. The fingerprints ~~fingerprint card~~

2521 shall be clearly marked "Career Offender Registration ~~Card.~~"
 2522 Section 64. Paragraph (b) of subsection (1) of section
 2523 985.11, Florida Statutes, is amended to read:
 2524 985.11 Fingerprinting and photographing.—
 2525 (1)
 2526 (b) A child who is charged with or found to have committed
 2527 one of the following offenses shall be fingerprinted, and the
 2528 fingerprints shall be submitted to the Department of Law
 2529 Enforcement as provided in s. 943.051(3)(b):
 2530 1. Assault, as defined in s. 784.011.
 2531 2. Battery, as defined in s. 784.03.
 2532 3. Carrying a concealed weapon, as defined in s.
 2533 790.01(1).
 2534 4. Unlawful use of destructive devices or bombs, as
 2535 defined in s. 790.1615(1).
 2536 5. Neglect ~~Negligent treatment~~ of a child ~~children~~, as
 2537 defined in s. 827.03(1)(e) ~~former s. 827.05~~.
 2538 6. Assault on a law enforcement officer, a firefighter, or
 2539 other specified officers, as defined in s. 784.07(2)(a).
 2540 7. Open carrying of a weapon, as defined in s. 790.053.
 2541 8. Exposure of sexual organs, as defined in s. 800.03.
 2542 9. Unlawful possession of a firearm, as defined in s.
 2543 790.22(5).
 2544 10. Petit theft, as defined in s. 812.014.
 2545 11. Cruelty to animals, as defined in s. 828.12(1).
 2546 12. Arson, resulting in bodily harm to a firefighter, as
 2547 defined in s. 806.031(1).
 2548 13. Unlawful possession or discharge of a weapon or

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2549 | firearm at a school-sponsored event or on school property as
2550 | defined in s. 790.115.

2551 |
2552 | A law enforcement agency may fingerprint and photograph a child
2553 | taken into custody upon probable cause that such child has
2554 | committed any other violation of law, as the agency deems
2555 | appropriate. Such fingerprint records and photographs shall be
2556 | retained by the law enforcement agency in a separate file, and
2557 | these records and all copies thereof must be marked "Juvenile
2558 | Confidential." These records are not available for public
2559 | disclosure and inspection under s. 119.07(1) except as provided
2560 | in ss. 943.053 and 985.04(2), but shall be available to other
2561 | law enforcement agencies, criminal justice agencies, state
2562 | attorneys, the courts, the child, the parents or legal
2563 | custodians of the child, their attorneys, and any other person
2564 | authorized by the court to have access to such records. In
2565 | addition, such records may be submitted to the Department of Law
2566 | Enforcement for inclusion in the state criminal history records
2567 | and used by criminal justice agencies for criminal justice
2568 | purposes. These records may, in the discretion of the court, be
2569 | open to inspection by anyone upon a showing of cause. The
2570 | fingerprint and photograph records shall be produced in the
2571 | court whenever directed by the court. Any photograph taken
2572 | pursuant to this section may be shown by a law enforcement
2573 | officer to any victim or witness of a crime for the purpose of
2574 | identifying the person who committed such crime.

2575 | Section 65. Paragraphs (c) and (e) of subsection (3) of
2576 | section 985.644, Florida Statutes, are amended to read:

2577 | 985.644 Departmental contracting powers; personnel
 2578 | standards and screening.—
 2579 | (3)
 2580 | (c) All fingerprint information electronically submitted
 2581 | to the Department of Law Enforcement under paragraph (b) shall
 2582 | be retained by the Department of Law Enforcement and entered
 2583 | into the statewide automated biometric ~~fingerprint~~
 2584 | identification system authorized by s. 943.05(2) (b). Thereafter,
 2585 | such fingerprint information shall be available for all purposes
 2586 | and uses authorized for arrest fingerprint information entered
 2587 | into the statewide automated biometric ~~fingerprint~~
 2588 | identification system pursuant to s. 943.051 until the
 2589 | fingerprint information is removed pursuant to paragraph (e).
 2590 | The Department of Law Enforcement shall search all arrest
 2591 | fingerprint information received pursuant to s. 943.051 against
 2592 | the fingerprint information entered into the statewide automated
 2593 | biometric identification ~~fingerprint~~ system pursuant to this
 2594 | subsection. Any arrest records identified as a result of the
 2595 | search shall be reported to the department in the manner and
 2596 | timeframe established by the Department of Law Enforcement by
 2597 | rule.
 2598 | (e) The department shall notify the Department of Law
 2599 | Enforcement when a person whose fingerprint information is
 2600 | retained by the Department of Law Enforcement under this
 2601 | subsection is no longer employed by the department, or by a
 2602 | provider under contract with the department, in a delinquency
 2603 | facility, service, or program. This notice shall be provided by
 2604 | the department to the Department of Law Enforcement within 6

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2605 months after the date of the change in the person's employment
2606 status. Fingerprint information for persons identified by the
2607 department in the notice shall be removed from the statewide
2608 automated biometric identification ~~fingerprint~~ system.

2609 Section 66. Subsection (3) of section 985.4815, Florida
2610 Statutes, is amended to read:

2611 985.4815 Notification to Department of Law Enforcement of
2612 information on juvenile sexual offenders.—

2613 (3) If a sexual offender is not sentenced to a term of
2614 residential commitment, the clerk of the court shall ensure that
2615 the sexual offender's fingerprints are taken and forwarded to
2616 the Department of Law Enforcement within 48 hours after the
2617 court sentences the offender. The fingerprints ~~fingerprint card~~
2618 shall be clearly marked "Sexual Offender Registration ~~Card.~~"

2619 Section 67. Paragraph (b) of subsection (6) of section
2620 1002.395, Florida Statutes, is amended to read:

2621 1002.395 Florida Tax Credit Scholarship Program.—

2622 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
2623 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
2624 organization:

2625 (b) Must comply with the following background check
2626 requirements:

2627 1. All owners and operators as defined in subparagraph
2628 (2)(h)1. are, upon employment or engagement to provide services,
2629 subject to level 2 background screening as provided under
2630 chapter 435. The fingerprints for the background screening must
2631 be electronically submitted to the Department of Law Enforcement
2632 and can be taken by an authorized law enforcement agency or by

2633 an employee of the eligible nonprofit scholarship-funding
2634 organization or a private company who is trained to take
2635 fingerprints. However, the complete set of fingerprints of an
2636 owner or operator may not be taken by the owner or operator. The
2637 results of the state and national criminal history check shall
2638 be provided to the Department of Education for screening under
2639 chapter 435. The cost of the background screening may be borne
2640 by the eligible nonprofit scholarship-funding organization or
2641 the owner or operator.

2642 2. Every 5 years following employment or engagement to
2643 provide services or association with an eligible nonprofit
2644 scholarship-funding organization, each owner or operator must
2645 meet level 2 screening standards as described in s. 435.04, at
2646 which time the nonprofit scholarship-funding organization shall
2647 request the Department of Law Enforcement to forward the
2648 fingerprints to the Federal Bureau of Investigation for level 2
2649 screening. If the fingerprints of an owner or operator are not
2650 retained by the Department of Law Enforcement under subparagraph
2651 3., the owner or operator must electronically file a complete
2652 set of fingerprints with the Department of Law Enforcement. Upon
2653 submission of fingerprints for this purpose, the eligible
2654 nonprofit scholarship-funding organization shall request that
2655 the Department of Law Enforcement forward the fingerprints to
2656 the Federal Bureau of Investigation for level 2 screening, and
2657 the fingerprints shall be retained by the Department of Law
2658 Enforcement under subparagraph 3.

2659 3. ~~Beginning July 1, 2007,~~ All fingerprints submitted to
2660 the Department of Law Enforcement as required by this paragraph

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2661 must be retained by the Department of Law Enforcement in a
2662 manner approved by rule and entered in the statewide automated
2663 biometric fingerprint identification system authorized by s.
2664 943.05(2) (b). The fingerprints must thereafter be available for
2665 all purposes and uses authorized for arrest fingerprints
2666 ~~fingerprint cards~~ entered in the statewide automated biometric
2667 ~~fingerprint~~ identification system pursuant to s. 943.051.

2668 4. ~~Beginning July 1, 2007,~~ The Department of Law
2669 Enforcement shall search all arrest fingerprints ~~fingerprint~~
2670 ~~eards~~ received under s. 943.051 against the fingerprints
2671 retained in the statewide automated biometric fingerprint
2672 identification system under subparagraph 3. Any arrest record
2673 that is identified with an owner's or operator's fingerprints
2674 must be reported to the Department of Education. The Department
2675 of Education shall participate in this search process by paying
2676 an annual fee to the Department of Law Enforcement and by
2677 informing the Department of Law Enforcement of any change in the
2678 employment, engagement, or association status of the owners or
2679 operators whose fingerprints are retained under subparagraph 3.
2680 The Department of Law Enforcement shall adopt a rule setting the
2681 amount of the annual fee to be imposed upon the Department of
2682 Education for performing these services and establishing the
2683 procedures for the retention of owner and operator fingerprints
2684 and the dissemination of search results. The fee may be borne by
2685 the owner or operator of the nonprofit scholarship-funding
2686 organization.

2687 5. A nonprofit scholarship-funding organization whose
2688 owner or operator fails the level 2 background screening shall

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2689 | not be eligible to provide scholarships under this section.

2690 | 6. A nonprofit scholarship-funding organization whose
2691 | owner or operator in the last 7 years has filed for personal
2692 | bankruptcy or corporate bankruptcy in a corporation of which he
2693 | or she owned more than 20 percent shall not be eligible to
2694 | provide scholarships under this section.

2695 |

2696 | Any and all information and documentation provided to the
2697 | Department of Education and the Auditor General relating to the
2698 | identity of a taxpayer that provides an eligible contribution
2699 | under this section shall remain confidential at all times in
2700 | accordance with s. 213.053.

2701 | Section 68. Paragraphs (a) and (b) of subsection (3) of
2702 | section 1002.421, Florida Statutes, are amended to read:

2703 | 1002.421 Accountability of private schools participating
2704 | in state school choice scholarship programs.—

2705 | (3) (a) ~~Beginning July 1, 2007,~~ All fingerprints submitted
2706 | to the Department of Law Enforcement as required by this section
2707 | shall be retained by the Department of Law Enforcement in a
2708 | manner provided by rule and entered in the statewide automated
2709 | biometric fingerprint identification system authorized by s.
2710 | 943.05(2) (b). Such fingerprints shall thereafter be available
2711 | for all purposes and uses authorized for arrest fingerprints
2712 | ~~fingerprint cards~~ entered in the statewide automated biometric
2713 | ~~fingerprint~~ identification system pursuant to s. 943.051.

2714 | (b) ~~Beginning July 1, 2007,~~ The Department of Law
2715 | Enforcement shall search all arrest fingerprints ~~fingerprint~~
2716 | ~~cards~~ received under s. 943.051 against the fingerprints

2717 retained in the statewide automated biometric fingerprint
 2718 identification system under paragraph (a). Any arrest record
 2719 that is identified with the retained fingerprints of a person
 2720 subject to the background screening under this section shall be
 2721 reported to the employing school with which the person is
 2722 affiliated. Each private school participating in a scholarship
 2723 program is required to participate in this search process by
 2724 informing the Department of Law Enforcement of any change in the
 2725 employment or contractual status of its personnel whose
 2726 fingerprints are retained under paragraph (a). The Department of
 2727 Law Enforcement shall adopt a rule setting the amount of the
 2728 annual fee to be imposed upon each private school for performing
 2729 these searches and establishing the procedures for the retention
 2730 of private school employee and contracted personnel fingerprints
 2731 and the dissemination of search results. The fee may be borne by
 2732 the private school or the person fingerprinted.

2733 Section 69. Paragraphs (a) and (b) of subsection (3) of
 2734 section 1012.32, Florida Statutes, are amended to read:

2735 1012.32 Qualifications of personnel.—

2736 (3) (a) ~~Beginning July 1, 2004,~~ All fingerprints submitted
 2737 to the Department of Law Enforcement as required by subsection
 2738 (2) shall be retained by the Department of Law Enforcement in a
 2739 manner provided by rule and entered in the statewide automated
 2740 biometric fingerprint identification system authorized by s.
 2741 943.05(2) (b). Such fingerprints shall thereafter be available
 2742 for all purposes and uses authorized for arrest fingerprints
 2743 ~~fingerprint cards~~ entered in the statewide automated biometric
 2744 ~~fingerprint~~ identification system pursuant to s. 943.051.

2745 (b) ~~Beginning December 15, 2004,~~ The Department of Law
2746 Enforcement shall search all arrest fingerprints ~~fingerpr~~
2747 ~~eads~~ received under s. 943.051 against the fingerprints
2748 retained in the statewide automated biometric ~~fingerpr~~
2749 identification system under paragraph (a). Any arrest record
2750 that is identified with the retained fingerprints of a person
2751 subject to the background screening under this section shall be
2752 reported to the employing or contracting school district or the
2753 school district with which the person is affiliated. Each school
2754 district is required to participate in this search process by
2755 payment of an annual fee to the Department of Law Enforcement
2756 and by informing the Department of Law Enforcement of any change
2757 in the affiliation, employment, or contractual status or place
2758 of affiliation, employment, or contracting of its instructional
2759 and noninstructional personnel whose fingerprints are retained
2760 under paragraph (a). The Department of Law Enforcement shall
2761 adopt a rule setting the amount of the annual fee to be imposed
2762 upon each school district for performing these searches and
2763 establishing the procedures for the retention of instructional
2764 and noninstructional personnel fingerprints and the
2765 dissemination of search results. The fee may be borne by the
2766 district school board, the contractor, or the person
2767 fingerprinted.

2768 Section 70. Paragraphs (b), (c), and (e) of subsection (2)
2769 of section 1012.467, Florida Statutes, are amended to read:

2770 1012.467 Noninstructional contractors who are permitted
2771 access to school grounds when students are present; background
2772 screening requirements.—

2773 (2)
 2774 (b) As authorized by law, the Department of Law
 2775 Enforcement shall retain the fingerprints submitted by the
 2776 school districts pursuant to this subsection to the Department
 2777 of Law Enforcement for a criminal history background screening
 2778 in a manner provided by rule and enter the fingerprints in the
 2779 statewide automated biometric fingerprint identification system
 2780 authorized by s. 943.05(2)(b). The fingerprints shall thereafter
 2781 be available for all purposes and uses authorized for arrest
 2782 fingerprints ~~fingerprints cards~~ entered into the statewide
 2783 automated biometric fingerprint identification system under s.
 2784 943.051.

2785 (c) As authorized by law, the Department of Law
 2786 Enforcement shall search all arrest fingerprints ~~fingerprints~~
 2787 ~~cards~~ received under s. 943.051 against the fingerprints
 2788 retained in the statewide automated biometric fingerprint
 2789 identification system under paragraph (b).

2790 (e) A fingerprint retained pursuant to this subsection
 2791 shall be purged from the automated biometric fingerprint
 2792 identification system 5 years following the date the fingerprint
 2793 was initially submitted. The Department of Law Enforcement shall
 2794 set the amount of the annual fee to be imposed upon each
 2795 participating agency for performing these searches and
 2796 establishing the procedures for retaining fingerprints and
 2797 disseminating search results. The fee may be borne as provided
 2798 by law. Fees may be waived or reduced by the executive director
 2799 of the Department of Law Enforcement for good cause shown.

2800 Section 71. This act shall take effect July 1, 2013.