

1 A bill to be entitled
2 An act relating to the Department of Law Enforcement;
3 amending s. 406.145, F.S.; deleting duties of law
4 enforcement agencies and the department relating to
5 unidentified person reporting forms; amending s.
6 937.021, F.S.; revising provisions relating to missing
7 child and adult reports; amending s. 937.024, F.S.;
8 revising provisions relating to the birth records of
9 missing children; amending s. 937.025, F.S.; revising
10 provisions providing criminal penalties for persons
11 who knowingly provide false information concerning a
12 missing child; amending s. 937.028, F.S.; revising
13 provisions relating to fingerprints of missing
14 persons; authorizing retention of such fingerprints
15 entered into the statewide biometric identification
16 system; amending s. 943.03, F.S.; revising terminology
17 relating to documents and information systems;
18 deleting an obsolete provision; amending s. 943.031,
19 F.S.; correcting a reference; revising provisions
20 relating to meetings of the Florida Violent Crime and
21 Drug Control Council and the Victim and Witness
22 Protection Review Committee; making specified
23 provisions subject to legislative funding; providing
24 for return of unexpended funds by specified
25 recipients; amending s. 943.0435, F.S.; specifying
26 additional items to be reported by persons required to
27 register as sexual offenders; amending s. 943.04351,
28 F.S.; revising requirements for searches of

29 registration information regarding sexual predators
30 and sexual offenders; repealing s. 943.04353, F.S.,
31 relating to a triennial study of sexual predator and
32 sexual offender registration and notification
33 procedures; amending s. 943.0438, F.S.; deleting an
34 obsolete provision; amending s. 943.045, F.S.;
35 defining the term "biometric"; revising the definition
36 of the term "criminal justice information"; amending
37 s. 943.05, F.S.; revising duties of the Criminal
38 Justice Information Program; redesignating the
39 statewide automated fingerprint identification system
40 as the statewide automated biometric identification
41 system; amending s. 943.051, F.S.; requiring
42 additional information to be collected from persons
43 charged with or convicted of specified offenses and
44 submitted electronically to the department; providing
45 an exception to the fingerprinting of certain
46 juveniles; amending s. 943.052, F.S.; revising
47 terminology relating to disposition reporting;
48 revising information to be submitted concerning
49 persons received by or discharged from the state
50 correctional system or certain juveniles committed to
51 the Department of Juvenile Justice; amending s.
52 943.053, F.S.; revising a reference to rules governing
53 criminal justice information received from the Federal
54 Government or other states; conforming terminology;
55 amending s. 943.054, F.S.; revising provisions
56 relating to the availability of criminal history

57 information derived from any United States Department
58 of Justice criminal justice information system;
59 amending s. 943.0542, F.S.; revising terminology
60 relating to requests for screening; authorizing
61 rulemaking relating to payments for screening;
62 amending s. 943.0544, F.S.; revising terminology
63 relating to the Criminal Justice Network; amending s.
64 943.055, F.S.; revising provisions relating to
65 dissemination of criminal justice information derived
66 from department information systems; providing for
67 audits of noncriminal justice agencies when necessary
68 to ensure compliance with requirements; amending s.
69 943.056, F.S.; providing for requests for corrections
70 of federal criminal history record information in
71 certain circumstances; amending s. 943.0582, F.S.;
72 increasing the period in which a minor may seek
73 expunction of a nonjudicial arrest record following
74 completion of a diversion program; revising language
75 relating to a statement to the department by a state
76 attorney concerning such an expunction request;
77 deleting an obsolete provision; amending ss. 943.0585
78 and 943.059, F.S.; revising language relating to
79 expunctions and sealing precluded by prior criminal
80 history sealings or expunctions; authorizing persons
81 seeking authorization for employment with or access to
82 certain seaports to deny or fail to acknowledge
83 certain expunged or sealed records; amending s.
84 943.125, F.S.; providing for accreditation of

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

113 funded; authorizing the commission to use computer-
 114 based testing as an assessment instrument; amending s.
 115 943.325, F.S.; conforming a cross-reference; amending
 116 s. 943.68, F.S.; revising the due date of a report
 117 detailing transportation and protective services
 118 provided by the department; amending ss. 285.18,
 119 414.40, 447.045, 455.213, 468.453, 475.615, 493.6105,
 120 493.6108, 494.00312, 494.00321, 494.00611, 517.12,
 121 538.09, 538.25, 548.024, 550.105, 550.908, 551.107,
 122 560.141, 628.906, 633.34, 744.3135, 775.21, 775.261,
 123 790.06, 944.607, 944.608, 985.11, 985.644, 985.4815,
 124 1002.395, 1002.421, 1012.32, and 1012.467, F.S.;
 125 conforming provisions to changes made by the act;
 126 providing an effective date.

127

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

129

130 Section 1. Section 406.145, Florida Statutes, is amended
 131 to read:

132 406.145 Unidentified persons; reporting requirements.—When
 133 an unidentified body is transported to a district medical
 134 examiner pursuant to this chapter, the medical examiner shall
 135 immediately report receipt of such body to the appropriate law
 136 enforcement agency, provided such law enforcement agency was not
 137 responsible for transportation of the body to the medical
 138 examiner. If the medical examiner cannot determine the law
 139 enforcement agency having jurisdiction, he or she shall notify
 140 the sheriff of the county in which the medical examiner is

141 | located, who shall determine the law enforcement agency
142 | responsible for the identification. It is the duty of the law
143 | enforcement officer assigned to and investigating the death to
144 | immediately establish the identity of the body. If the body is
145 | not immediately identified, the law enforcement agency
146 | responsible for investigating the death shall ~~complete an~~
147 | ~~Unidentified Person Report and enter the data~~ concerning the
148 | body, through the Florida Crime Information Center, into the
149 | Unidentified Person File of the National Crime Information
150 | Center. ~~An Unidentified Person Report is that form identified by~~
151 | ~~the Florida Department of Law Enforcement for use by law~~
152 | ~~enforcement agencies in compiling information for entrance into~~
153 | ~~the Unidentified Person File.~~

154 | Section 2. Paragraphs (b), (d), and (e) of subsection (5)
155 | of section 937.021, Florida Statutes, are amended to read:

156 | 937.021 Missing child and missing adult reports.—

157 | (5)

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

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169 in recording, reporting, transmitting, displaying, or releasing
170 information or photographs pertaining to the missing adult or
171 missing child.

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

180 (e) Neither this subsection nor any other provision of law
181 creates a duty of the agency, employee, individual, or entity to
182 record, report, transmit, display, or release the Amber Alert,
183 Missing Child Alert, missing child information, missing adult
184 information, or Silver Alert information received from the local
185 law enforcement agency having jurisdiction. The decision to
186 record, report, transmit, display, or release information is
187 discretionary with the agency, employee, individual, or entity
188 receiving the information.

189 Section 3. Paragraphs (d) and (e) of subsection (1) and
190 paragraph (a) of subsection (2) of section 937.024, Florida
191 Statutes, are amended to read:

192 937.024 Birth records of missing children; registrars'
193 duties.—

194 (1) The Office of Vital Statistics shall:

195 ~~(d) Recall each missing child's birth certificate or birth~~
196 ~~record from the local registrar of vital statistics in the~~

197 ~~county of the missing child's birth.~~

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

204 (2) (a) A copy of the birth certificate or information
 205 concerning the birth record of any child whose record has been
 206 flagged ~~or recalled~~ pursuant to paragraph (1) (c) ~~or paragraph~~
 207 ~~(1) (d)~~ may not be provided by the State Registrar or any local
 208 registrar in response to any inquiry, unless the flag has been
 209 removed pursuant to paragraph (1) (d) or upon the official
 210 request of the Department of Law Enforcement's Missing
 211 Endangered Persons Information Clearinghouse ~~(1) (e)~~.

212 Section 4. Subsection (7) of section 937.025, Florida
 213 Statutes, is amended to read:

214 937.025 Missing children; student records; reporting
 215 requirements; penalties.—

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

222 Section 5. Section 937.028, Florida Statutes, is amended
 223 to read:

224 937.028 Fingerprints; missing persons ~~children~~.—

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

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

243 Section 6. Paragraph (a) of subsection (6) and subsections
244 (12), (13), and (15) of section 943.03, Florida Statutes, are
245 amended to read:

246 943.03 Department of Law Enforcement.—

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

253 (12) The department may establish, implement, and maintain
 254 a statewide, integrated ~~violent~~ crime information system capable
 255 of transmitting criminal justice information relating to ~~violent~~
 256 criminal offenses to and between criminal justice agencies
 257 throughout the state.

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

268 (15) The Department of Law Enforcement, in consultation
 269 with the Criminal and Juvenile Justice Information Systems
 270 Council established in s. 943.06, shall modify the existing
 271 statewide uniform statute table in its criminal history system
 272 to meet the business requirements of state and local criminal
 273 justice and law enforcement agencies. In order to accomplish
 274 this objective, the department shall:

275 (a) Define the minimum business requirements necessary for
 276 successful implementation.

277 (b) Consider the charging and booking requirements of
 278 sheriffs' offices and police departments and the business
 279 requirements of state attorneys, public defenders, criminal
 280 conflict and civil regional counsel, clerks of court, judges,

281 and state law enforcement agencies.

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

285
 286 ~~The required system modifications and adopted rules shall be~~
 287 ~~implemented by December 31, 2012.~~

288 Section 7. Paragraph (c) of subsection (2), subsections
 289 (4) and (5), paragraphs (b) and (c) of subsection (6), and
 290 paragraphs (a), (b), and (e) of subsection (8) of section
 291 943.031, Florida Statutes, are amended to read:

292 943.031 Florida Violent Crime and Drug Control Council.—

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

295 (c) The Secretary of ~~the Department of~~ Corrections or a
 296 designate.

297
 298 The Governor, when making appointments under this subsection,
 299 must take into consideration representation by geography,
 300 population, ethnicity, and other relevant factors to ensure that
 301 the membership of the council is representative of the state at
 302 large. Designates appearing on behalf of a council member who is
 303 unable to attend a meeting of the council are empowered to vote
 304 on issues before the council to the same extent the designating
 305 council member is so empowered.

306 (4) MEETINGS.—The council must meet at least annually
 307 ~~semiannually~~. Additional meetings may be held when ~~it is~~
 308 determined by the department and the chair ~~that extraordinary~~

309 ~~circumstances require an additional meeting of the council.~~ A
310 majority of the members of the council constitutes a quorum.
311 Council meetings may be conducted by conference call,
312 teleconferencing, or similar technology.

313 (5) DUTIES OF COUNCIL.—Subject to funding provided to the
314 department by the Legislature, the council shall provide advice
315 and make recommendations, as necessary, to the executive
316 director of the department.

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

320 1. Establishing a program that provides grants to criminal
321 justice agencies that develop and implement effective violent
322 crime prevention and investigative programs and which provides
323 grants to law enforcement agencies for the purpose of drug
324 control, criminal gang, and illicit money laundering
325 investigative efforts or task force efforts that are determined
326 by the council to significantly contribute to achieving the
327 state's goal of reducing drug-related crime, that represent
328 significant criminal gang investigative efforts, that represent
329 a significant illicit money laundering investigative effort, or
330 that otherwise significantly support statewide strategies
331 developed by the Statewide Drug Policy Advisory Council
332 established under s. 397.333, subject to the limitations
333 provided in this section. The grant program may include an
334 innovations grant program to provide startup funding for new
335 initiatives by local and state law enforcement agencies to
336 combat violent crime or to implement drug control, criminal

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337 gang, or illicit money laundering investigative efforts or task
338 force efforts by law enforcement agencies, including, but not
339 limited to, initiatives such as:

340 a. Providing enhanced community-oriented policing.

341 b. Providing additional undercover officers and other
342 investigative officers to assist with violent crime
343 investigations in emergency situations.

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

355 2. Expanding the use of automated biometric ~~finger~~print
356 identification systems at the state and local levels ~~level~~.

357 3. Identifying methods to prevent violent crime.

358 4. Identifying methods to enhance multiagency or statewide
359 drug control, criminal gang, or illicit money laundering
360 investigative efforts or task force efforts that significantly
361 contribute to achieving the state's goal of reducing drug-
362 related crime, that represent significant criminal gang
363 investigative efforts, that represent a significant illicit
364 money laundering investigative effort, or that otherwise

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365 significantly support statewide strategies developed by the
366 Statewide Drug Policy Advisory Council established under s.
367 397.333.

368 5. Enhancing criminal justice training programs that
369 address violent crime, drug control, illicit money laundering
370 investigative techniques, or efforts to control and eliminate
371 criminal gangs.

372 6. Developing and promoting crime prevention services and
373 educational programs that serve the public, including, but not
374 limited to:

375 a. Enhanced victim and witness counseling services that
376 also provide crisis intervention, information referral,
377 transportation, and emergency financial assistance.

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

380 7. Enhancing information sharing and assistance in the
381 criminal justice community by expanding the use of community
382 partnerships and community policing programs. Such expansion may
383 include the use of civilian employees or volunteers to relieve
384 law enforcement officers of clerical work in order to enable the
385 officers to concentrate on street visibility within the
386 community.

387 (b) The full council shall:

388 1. Receive periodic reports from regional violent crime
389 investigation and statewide drug control strategy implementation
390 coordinating teams which relate to violent crime trends or the
391 investigative needs or successes in the regions, including
392 discussions regarding the activity of significant criminal gangs

393 | in the region, factors, and trends relevant to the
394 | implementation of the statewide drug strategy, and the results
395 | of drug control and illicit money laundering investigative
396 | efforts funded in part by the council.

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

414 | (c) As used in this section, "significant criminal gang
415 | investigative efforts" eligible for proactive funding must
416 | involve at a minimum an effort against a known criminal gang
417 | that:

- 418 | 1. Involves multiple law enforcement agencies.
- 419 | 2. Reflects a dedicated significant investigative effort
- 420 | on the part of each participating agency in personnel, time

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421 devoted to the investigation, and agency resources dedicated to
422 the effort.

423 3. Reflects a dedicated commitment by a prosecuting
424 authority to ensure that cases developed by the investigation
425 will be timely and effectively prosecuted.

426 4. Demonstrates a strategy and commitment to dismantling
427 the criminal gang via seizures of assets, significant money
428 laundering and organized crime investigations and prosecutions,
429 or similar efforts.

430

431 The council may require satisfaction of additional elements, to
432 include reporting criminal investigative and criminal
433 intelligence information related to criminal gang activity and
434 members in a manner required by the department, as a
435 prerequisite for receiving proactive criminal gang funding.

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

437 (b) Subject to funding provided to the department by the
438 Legislature, the committee shall review and approve all requests
439 for disbursement of funds from the Violent Crime Investigative
440 Emergency and Drug Control Strategy Implementation Account
441 within the Department of Law Enforcement Operating Trust Fund
442 and from other appropriations provided to the department by the
443 Legislature in the General Appropriations Act. An expedited
444 approval procedure shall be established for rapid disbursement
445 of funds in violent crime emergency situations.

446 (c) Those receiving any proactive funding provided by the
447 council through the committee shall ~~be required to~~ report the
448 results of the investigations to the council once the

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449 investigation has been completed. The committee shall also
450 require ongoing status reports on ongoing investigations using
451 such findings in its closed sessions and may require a recipient
452 to return all or any portion of unexpended proactive funds to
453 the council.

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

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

467 (b) Subject to funding provided to the department by the
468 Legislature, the committee shall:

469 1. Maintain and use criteria for disbursing funds to
470 reimburse law enforcement agencies for costs associated with
471 providing victim and witness temporary protective or temporary
472 relocation services.

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

475 ~~(c) The committee may conduct its meeting by~~
476 ~~teleconference or conference phone calls when the chair of the~~

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477 ~~committee finds that the need for reimbursement is such that~~
478 ~~delaying until the next scheduled council meeting will adversely~~
479 ~~affect the requesting agency's ability to provide the protection~~
480 ~~services.~~

481 Section 8. Paragraph (b) of subsection (2) and paragraph
482 (d) of subsection (4) of section 943.0435, Florida Statutes, are
483 amended to read:

484 943.0435 Sexual offenders required to register with the
485 department; penalty.—

486 (2) A sexual offender shall:

487 (b) Provide his or her name; date of birth; social
488 security number; race; sex; height; weight; hair and eye color;
489 tattoos or other identifying marks; fingerprints; photograph;
490 occupation and place of employment; address of permanent or
491 legal residence or address of any current temporary residence,
492 within the state or out of state, including a rural route
493 address and a post office box; if no permanent or temporary
494 address, any transient residence within the state, address,
495 location or description, and dates of any current or known
496 future temporary residence within the state or out of state;
497 home telephone number and any cellular telephone number; any
498 electronic mail address and any instant message name required to
499 be provided pursuant to paragraph (4) (d); date and place of each
500 conviction; and a brief description of the crime or crimes
501 committed by the offender. A post office box shall not be
502 provided in lieu of a physical residential address.

503 1. If the sexual offender's place of residence is a motor
504 vehicle, trailer, mobile home, or manufactured home, as defined

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

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

528 |
529 | When a sexual offender reports at the sheriff's office, the
530 | sheriff shall take a photograph and a set of fingerprints of the
531 | offender and forward the photographs and fingerprints to the
532 | department, along with the information provided by the sexual

533 offender. The sheriff shall promptly provide to the department
 534 the information received from the sexual offender.

535 (4)

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

543 Section 9. Section 943.04351, Florida Statutes, is amended
 544 to read:

545 943.04351 Search of registration information regarding
 546 sexual predators and sexual offenders required before ~~prior to~~
 547 appointment or employment.—A state agency or governmental
 548 subdivision, before ~~prior to~~ making any decision to appoint or
 549 employ a person to work, whether for compensation or as a
 550 volunteer, at any park, playground, day care center, or other
 551 place where children regularly congregate, must conduct a search
 552 of that person's name or other identifying information against
 553 the registration information regarding sexual predators and
 554 sexual offenders through the Dru Sjodin National Sexual Offender
 555 Public Website maintained by the United States Department of
 556 Justice. If for any reason that site is not available, a search
 557 of the registration information regarding sexual predators and
 558 sexual offenders maintained by the Department of Law Enforcement
 559 under s. 943.043 shall be performed. ~~The agency or governmental~~
 560 ~~subdivision may conduct the search using the Internet site~~

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561 ~~maintained by the Department of Law Enforcement.~~ This section
562 does not apply to those positions or appointments within a state
563 agency or governmental subdivision for which a state and
564 national criminal history background check is conducted.

565 Section 10. Section 943.04353, Florida Statutes, is
566 repealed.

567 Section 11. Paragraph (a) of subsection (2) of section
568 943.0438, Florida Statutes, is amended to read:

569 943.0438 Athletic coaches for independent sanctioning
570 authorities.—

571 (2) An independent sanctioning authority shall:

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

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

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

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

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

594 Section 12. Section 943.045, Florida Statutes, is amended
595 to read:

596 943.045 Definitions; ss. 943.045-943.08.—The following
597 words and phrases as used in ss. 943.045-943.08 shall have the
598 following meanings:

599 ~~(1)-(15)~~ "Adjudicated guilty" means that a person has been
600 found guilty and that the court has not withheld an adjudication
601 of guilt.

602 (2) "Administration of criminal justice" means performing
603 functions of detection, apprehension, detention, pretrial
604 release, posttrial release, prosecution, adjudication,
605 correctional supervision, or rehabilitation of accused persons
606 or criminal offenders by governmental agencies. The
607 administration of criminal justice includes criminal
608 identification activities and the collection, processing,
609 storage, and dissemination of criminal justice information by
610 governmental agencies.

611 (3) "Biometric" refers to impressions, reproductions, or
612 representations of human physical characteristics, such as DNA,
613 fingerprints, palm prints, footprints, retina and iris images,
614 voice patterns, and facial images, such as booking and driver
615 license photographs, that, when measured and analyzed, can be
616 used for identification purposes.

617 ~~(4)-(8)~~ "Comparable ordinance violation" means a violation
618 of an ordinance having all the essential elements of a statutory
619 misdemeanor or felony.

620 ~~(5)-(4)~~ "Criminal history information" means information
621 collected by criminal justice agencies on persons, which
622 information consists of identifiable descriptions and notations
623 of arrests, detentions, indictments, informations, or other
624 formal criminal charges and the disposition thereof. The term
625 does not include identification information, such as biometric
626 ~~fingerprint~~ records, if the information does not indicate
627 involvement of the person in the criminal justice system.

628 ~~(6)-(18)~~ "Criminal history record" means any nonjudicial
629 record maintained by a criminal justice agency containing
630 criminal history information.

631 ~~(7)-(5)~~ "Criminal intelligence information" means
632 information collected by a criminal justice agency with respect
633 to an identifiable person or group in an effort to anticipate,
634 prevent, or monitor possible criminal activity.

635 ~~(8)-(16)~~ "Criminal intelligence information system" means a
636 system, including the equipment, facilities, procedures,
637 agreements ~~agreement~~, and organizations thereof, for the
638 collection, processing, preservation, or dissemination of
639 criminal intelligence information.

640 ~~(9)-(6)~~ "Criminal investigative information" means
641 information about an identifiable person or group, compiled by a
642 criminal justice agency in the course of conducting a criminal
643 investigation of a specific criminal act or omission, including,
644 but not limited to, information derived from laboratory tests,

645 reports of investigators, informants, or any type of
 646 surveillance.

647 (10)~~(17)~~ "Criminal investigative information system" means
 648 a system, including the equipment, facilities, procedures,
 649 agreements, and organizations thereof, for the collection,
 650 processing, preservation, or dissemination of criminal
 651 investigative information.

652 (11)~~(10)~~ "Criminal justice agency" means:

- 653 (a) A court.
- 654 (b) The department.
- 655 (c) The Department of Juvenile Justice.
- 656 (d) The protective investigations component of the
 657 Department of Children and Families ~~Family Services~~, which
 658 investigates the crimes of abuse and neglect.
- 659 (e) Any other governmental agency or subunit thereof that
 660 ~~which~~ performs the administration of criminal justice pursuant
 661 to a statute or rule of court and that ~~which~~ allocates a
 662 substantial part of its annual budget to the administration of
 663 criminal justice.

664 (12)~~(3)~~ "Criminal justice information" means information
 665 on individuals collected or disseminated as a result of arrest,
 666 detention, or the initiation of a criminal proceeding by
 667 criminal justice agencies, including arrest record information,
 668 correctional and release information, criminal history record
 669 information, conviction record information, offender
 670 registration information, identification record information, and
 671 wanted persons record information. The term does ~~shall~~ not
 672 include statistical or analytical records or reports in which

673 individuals are not identified and from which their identities
674 are not ascertainable. The term does ~~shall~~ not include criminal
675 intelligence information or criminal investigative information.

676 ~~(13)-(1)~~ "Criminal justice information system" means a
677 system, including the equipment, facilities, procedures,
678 agreements, and organizations thereof, for the collection,
679 processing, preservation, or dissemination of criminal justice
680 information.

681 ~~(14)-(9)~~ "Disposition" means details relating to the
682 termination of an individual criminal defendant's relationship
683 with a criminal justice agency, including information disclosing
684 that the law enforcement agency has elected not to refer a
685 matter to a prosecutor or that a prosecutor has elected not to
686 commence criminal proceedings, that a court has dealt with the
687 individual, or that the individual has been incarcerated,
688 paroled, pardoned, released, or granted clemency. Dispositions
689 include, but are not limited to, acquittals, dismissals, pleas,
690 convictions, adjudications, youthful offender determinations,
691 determinations of mental capacity, placements in intervention
692 programs, pardons, probations, paroles, and releases from
693 correctional institutions.

694 ~~(15)-(11)~~ "Disseminate ~~Dissemination~~" means to transmit ~~the~~
695 ~~transmission of~~ information, whether orally or in writing.

696 ~~(16)-(13)~~ "Expunction of a criminal history record" means
697 the court-ordered physical destruction or obliteration of a
698 record or portion of a record by any criminal justice agency
699 having custody thereof, or as prescribed by the court issuing
700 the order, except that criminal history records in the custody

701 of the department must be retained in all cases for purposes of
 702 evaluating subsequent requests by the subject of the record for
 703 sealing or expunction, or for purposes of recreating the record
 704 in the event an order to expunge is vacated by a court of
 705 competent jurisdiction.

706 (17)~~(7)~~ "Record" means any and all documents, writings,
 707 computer memory, and microfilm, and any other form in which
 708 facts are memorialized, irrespective of whether such record is
 709 an official record, public record, or admissible record or is
 710 merely a copy thereof.

711 (18)~~(12)~~ "Research or statistical project" means any
 712 program, project, or component the purpose of which is to
 713 develop, measure, evaluate, or otherwise advance the state of
 714 knowledge in a particular area. The term does not include
 715 intelligence, investigative, or other information-gathering
 716 activities in which information is obtained for purposes
 717 directly related to enforcement of the criminal laws.

718 (19)~~(14)~~ "Sealing of a criminal history record" means the
 719 preservation of a record under such circumstances that it is
 720 secure and inaccessible to any person not having a legal right
 721 of access to the record or the information contained and
 722 preserved therein.

723 Section 13. Paragraphs (b), (c), (d), (e), (g), and (h) of
 724 subsection (2) and subsection (3) of section 943.05, Florida
 725 Statutes, are amended, and subsection (4) of that section is
 726 reenacted, to read:

727 943.05 Criminal Justice Information Program; duties; crime
 728 reports.—

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729 (2) The program shall:

730 (b) Establish, implement, and maintain a statewide
731 automated biometric ~~fingerprint~~ identification system capable
732 of, but not limited to, reading, classifying, matching, and
733 storing fingerprints, rolled fingerprints, ~~and~~ latent
734 fingerprints, palm prints, and facial images. Information
735 contained within the system shall be available to every criminal
736 justice agency that is responsible for the administration of
737 criminal justice.

738 (c) Initiate a crime information system that shall be
739 responsible for:

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

745 2. Upon request, providing other states and federal
746 criminal justice agencies with Florida crime data. ~~Where~~
747 ~~convenient, such data shall conform to definitions established~~
748 ~~by the requesting agencies.~~

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

751 (d) Adopt rules to effectively and efficiently implement,
752 administer, manage, maintain, and use the automated biometric
753 ~~fingerprint~~ identification system and uniform offense reports
754 and arrest reports. The rules shall be considered minimum
755 requirements and shall not preclude a criminal justice agency
756 from implementing its own enhancements. However, rules and forms

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757 prescribing uniform arrest or probable cause affidavits and
758 alcohol influence reports to be used by all law enforcement
759 agencies in making DUI arrests under s. 316.193 shall be
760 adopted, and ~~shall be~~ used by all law enforcement agencies in
761 this state. ~~The rules and forms prescribing such uniform~~
762 ~~affidavits and reports shall be adopted and implemented by July~~
763 ~~1, 2004.~~ Failure to use these uniform affidavits and reports,
764 however, shall not prohibit prosecution under s. 316.193.

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

774 (g) Upon official written request, and subject to the
775 department having sufficient funds and equipment to participate
776 in such a request, from the agency executive director or
777 secretary or from his or her designee, or from qualified
778 entities participating in the volunteer and employee criminal
779 history screening system under s. 943.0542, or as otherwise
780 required by law, retain fingerprints submitted by criminal and
781 noncriminal justice agencies to the department for a criminal
782 history background screening as provided by rule and enter the
783 fingerprints in the statewide automated biometric fingerprint
784 identification system authorized by paragraph (b). Such

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785 fingerprints shall thereafter be available for all purposes and
786 uses authorized for arrest fingerprint submissions entered into
787 the statewide automated biometric ~~fingerprint~~ identification
788 system pursuant to s. 943.051.

789 (h) For each agency or qualified entity that officially
790 requests retention of fingerprints or for which retention is
791 otherwise required by law, search all arrest fingerprint
792 submissions received under s. 943.051 against the fingerprints
793 retained in the statewide automated biometric ~~fingerprint~~
794 identification system under paragraph (g).

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

799 2. To participate in this search process, agencies or
800 qualified entities must notify each person fingerprinted that
801 his or her fingerprints will be retained, pay an annual fee to
802 the department unless otherwise provided by law, and inform the
803 department of any change in the affiliation, employment, or
804 contractual status of each person whose fingerprints are
805 retained under paragraph (g) if such change removes or
806 eliminates the agency or qualified entity's basis or need for
807 receiving reports of any arrest of that person, so that the
808 agency or qualified entity is not obligated to pay the upcoming
809 annual fee for the retention and searching of that person's
810 fingerprints to the department. The department shall adopt a
811 rule setting the amount of the annual fee to be imposed upon
812 each participating agency or qualified entity for performing

813 | these searches and establishing the procedures for the retention
814 | of fingerprints and the dissemination of search results. The fee
815 | may be borne by the agency, qualified entity, or person subject
816 | to fingerprint retention or as otherwise provided by law.
817 | Consistent with the recognition of criminal justice agencies
818 | expressed in s. 943.053(3), these services shall be provided to
819 | criminal justice agencies for criminal justice purposes free of
820 | charge. Qualified entities that elect to participate in the
821 | fingerprint retention and search process are required to timely
822 | remit the fee to the department by a payment mechanism approved
823 | by the department. If requested by the qualified entity, and
824 | with the approval of the department, such fees may be timely
825 | remitted to the department by a qualified entity upon receipt of
826 | an invoice for such fees from the department. Failure of a
827 | qualified entity to pay the amount due on a timely basis or as
828 | invoiced by the department may result in the refusal by the
829 | department to permit the qualified entity to continue to
830 | participate in the fingerprint retention and search process
831 | until all fees due and owing are paid.

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

841 department.

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

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

860 Section 14. Subsections (2) and (3) of section 943.051,
 861 Florida Statutes, are amended to read:

862 943.051 Criminal justice information; collection and
 863 storage; fingerprinting.—

864 (2) The fingerprints, palm prints, and facial images of
 865 each adult person charged with or convicted of a felony,
 866 misdemeanor, or violation of a comparable ordinance by a state,
 867 county, municipal, or other law enforcement agency shall be
 868 captured ~~fingerprinted~~, and electronically ~~such fingerprints~~

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869 ~~shall be~~ submitted to the department in the manner prescribed by
870 rule. Exceptions to this requirement for specified misdemeanors
871 or comparable ordinance violations may be made by the department
872 by rule.

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

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

- 884 1. Assault, as defined in s. 784.011.
- 885 2. Battery, as defined in s. 784.03.
- 886 3. Carrying a concealed weapon, as defined in s.
887 790.01(1).
- 888 4. Unlawful use of destructive devices or bombs, as
889 defined in s. 790.1615(1).
- 890 5. Neglect ~~Negligent treatment of a child~~ children, as
891 defined in s. 827.03(1)(e) ~~former s. 827.05~~.
- 892 6. Assault or battery on a law enforcement officer, a
893 firefighter, or other specified officers, as defined in s.
894 784.07(2)(a) and (b).
- 895 7. Open carrying of a weapon, as defined in s. 790.053.
- 896 8. Exposure of sexual organs, as defined in s. 800.03.

897 9. Unlawful possession of a firearm, as defined in s.
898 790.22(5).

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

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

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

902 13. Unlawful possession or discharge of a weapon or
903 firearm at a school-sponsored event or on school property, as
904 provided ~~defined~~ in s. 790.115.

905 Section 15. Section 943.052, Florida Statutes, is amended
906 to read:

907 943.052 Disposition reporting.—The Criminal Justice
908 Information Program shall, by rule, establish procedures and a
909 format for each criminal justice agency to monitor its records
910 and submit reports, as provided by this section, to the program.
911 The disposition report shall be developed by the program and
912 shall include the offender-based transaction system number.

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

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

925 offender ~~is mandatory~~.

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

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

937 Section 16. Subsection (2), paragraph (a) of subsection
 938 (3), subsection (11), and paragraphs (a) and (c) of subsection
 939 (13) of section 943.053, Florida Statutes, are amended to read:

940 943.053 Dissemination of criminal justice information;
 941 fees.—

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

949 (3) (a) Criminal history information, including information
 950 relating to minors, compiled by the Criminal Justice Information
 951 Program from intrastate sources shall be available on a priority
 952 basis to criminal justice agencies for criminal justice purposes

953 free of charge. After providing the program with all known
954 personal identifying information, persons in the private sector
955 and noncriminal justice agencies may be provided criminal
956 history information upon tender of fees as established in this
957 subsection and in the manner prescribed by rule of the
958 Department of Law Enforcement. Any access to criminal history
959 information by the private sector or noncriminal justice
960 agencies as provided in this subsection shall be assessed
961 without regard to the quantity or category of criminal history
962 record information requested.

963 (11) A criminal justice agency that is authorized under
964 federal rules or law to conduct a criminal history background
965 check on an agency employee who is not certified by the Criminal
966 Justice Standards and Training Commission under s. 943.12 may
967 submit to the department the fingerprints of the noncertified
968 employee to obtain state and national criminal history
969 information. The fingerprints shall be retained and entered in
970 the statewide automated biometric fingerprint identification
971 system authorized by s. 943.05 and shall be available for all
972 purposes and uses authorized for arrest fingerprint submissions
973 entered in the statewide automated biometric fingerprint
974 identification system pursuant to s. 943.051. The department
975 shall search all arrest fingerprint submissions received
976 pursuant to s. 943.051 against the fingerprints retained in the
977 statewide automated biometric fingerprint identification system
978 pursuant to this section. In addition to all purposes and uses
979 authorized for arrest fingerprint submissions for which
980 submitted fingerprints may be used, any arrest record that is

981 identified with the retained employee fingerprints must be
 982 reported to the submitting employing agency.

983 (13) (a) For the department to accept an electronic
 984 fingerprint submission from:

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

987 2. A private entity or public agency that submits the
 988 fingerprints of its own employees, volunteers, contractors,
 989 associates, or applicants for the purpose of conducting a
 990 required or permitted criminal history background check,
 991
 992 the vendor, entity, or agency submitting the fingerprints must
 993 enter into an agreement with the department that, at a minimum,
 994 obligates the vendor, entity, or agency to comply with certain
 995 specified standards to ensure that all persons having direct or
 996 indirect responsibility for verifying identification and taking,
 997 ~~identifying,~~ and electronically submitting fingerprints are
 998 qualified to do so and will ensure the integrity and security of
 999 all personal information gathered from the persons whose
 1000 fingerprints are submitted.

1001 (c) The requirement for entering into an agreement with
 1002 the department for this purpose does not apply to criminal
 1003 justice agencies ~~as defined at s. 943.045(10).~~

1004 Section 17. Paragraph (b) of subsection (1) of section
 1005 943.054, Florida Statutes, is amended to read:

1006 943.054 Exchange of federal criminal history records and
 1007 information.—

1008 (1) Criminal history information derived from any United

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1009 States Department of Justice criminal justice information system
 1010 is available:

1011 (b) Pursuant to applicable federal laws and regulations,
 1012 including those instituted by the National Crime Prevention and
 1013 Privacy Compact, for use in connection with licensing or local
 1014 or state employment or for such other uses only as authorized by
 1015 federal or state laws which have been approved by the United
 1016 States Attorney General or the Attorney General's designee. ~~When~~
 1017 ~~no active prosecution of the charge is known to be pending,~~
 1018 ~~arrest data more than 1 year old is not disseminated unless~~
 1019 ~~accompanied by information relating to the disposition of that~~
 1020 ~~arrest.~~

1021 Section 18. Paragraphs (b) and (c) of subsection (2) of
 1022 section 943.0542, Florida Statutes, are amended to read:

1023 943.0542 Access to criminal history information provided
 1024 by the department to qualified entities.-

1025 (2)

1026 (b) A qualified entity shall submit to the department a
 1027 request for screening an employee or volunteer or person
 1028 applying to be an employee or volunteer by submitting
 1029 fingerprints ~~on a completed fingerprint card,~~ or the request may
 1030 be submitted electronically. The qualified entity must maintain
 1031 a signed waiver allowing the release of the state and national
 1032 criminal history record information to the qualified entity.

1033 (c) Each such request must be accompanied by payment of a
 1034 fee for a statewide criminal history check by the department
 1035 established by s. 943.053, plus the amount currently prescribed
 1036 by the Federal Bureau of Investigation for the national criminal

1037 history check in compliance with the National Child Protection
 1038 Act of 1993, as amended. Payments must be made in the manner
 1039 prescribed by the department by rule.

1040 Section 19. Subsection (2) of section 943.0544, Florida
 1041 Statutes, is amended to read:

1042 943.0544 Criminal justice information network and
 1043 information management.—

1044 (2) The department may develop, implement, maintain,
 1045 manage, and operate the Criminal Justice Network, which shall be
 1046 an intrastate network for agency ~~intraagency~~ information and
 1047 data sharing ~~data-sharing network~~ for use by the state's
 1048 criminal justice agencies. The department, in consultation with
 1049 the Criminal and Juvenile Justice Information Systems Council,
 1050 shall determine and regulate access to the Criminal Justice
 1051 Network by the state's criminal justice agencies.

1052 Section 20. Section 943.055, Florida Statutes, is amended
 1053 to read:

1054 943.055 Records and audit.—

1055 (1) Criminal justice agencies disseminating criminal
 1056 justice information derived from a Department of Law Enforcement
 1057 criminal justice information system shall maintain a record of
 1058 dissemination in accordance with the user agreements in s.
 1059 943.0525 ~~rules adopted by the Department of Law Enforcement.~~

1060 (2) The Criminal Justice Information Program shall arrange
 1061 for any audits of state and local criminal justice and
 1062 noncriminal justice agencies necessary to ensure ~~assure~~
 1063 compliance with federal laws and regulations, this chapter, and
 1064 rules of the Department of Law Enforcement pertaining to the

1065 establishment, operation, security, and maintenance of criminal
 1066 justice information systems.

1067 Section 21. Subsection (2) of section 943.056, Florida
 1068 Statutes, is amended to read:

1069 943.056 ~~Access to, review and challenge of,~~ Criminal
 1070 history records; access, review, and challenge.—

1071 (2) Criminal justice agencies subject to chapter 120 shall
 1072 be subject to hearings regarding those portions of criminal
 1073 history records for which the agency served as originator. When
 1074 it is determined what the record should contain in order to be
 1075 complete and accurate, the Criminal Justice Information Program
 1076 shall be advised and shall conform state ~~and federal~~ records to
 1077 the corrected criminal history record information and shall
 1078 request that the federal records be corrected.

1079 Section 22. Paragraphs (b) and (c) of subsection (3) and
 1080 subsections (5) and (6) of section 943.0582, Florida Statutes,
 1081 are amended to read:

1082 943.0582 Prearrest, postarrest, or teen court diversion
 1083 program expunction.—

1084 (3) The department shall expunge the nonjudicial arrest
 1085 record of a minor who has successfully completed a prearrest or
 1086 postarrest diversion program if that minor:

1087 (b) Submits the application for prearrest or postarrest
 1088 diversion expunction no later than 12 ~~6~~ months after completion
 1089 of the diversion program.

1090 (c) Submits to the department, with the application, an
 1091 official written statement from the state attorney for the
 1092 county in which the arrest occurred certifying that he or she

1093 | has successfully completed that county's prearrest or postarrest
 1094 | diversion program, and that his or her participation in the
 1095 | program was based on an arrest ~~is strictly limited to minors~~
 1096 | ~~arrested~~ for a nonviolent misdemeanor, and that he or she has
 1097 | ~~who have~~ not otherwise been charged with or found to have
 1098 | committed any criminal offense or comparable ordinance
 1099 | violation.

1100 | ~~(5) This section operates retroactively to permit the~~
 1101 | ~~expunction of any nonjudicial record of the arrest of a minor~~
 1102 | ~~who has successfully completed a prearrest or postarrest~~
 1103 | ~~diversion program on or after July 1, 2000; however, in the case~~
 1104 | ~~of a minor whose completion of the program occurred before the~~
 1105 | ~~effective date of this section, the application for prearrest or~~
 1106 | ~~postarrest diversion expunction must be submitted within 6~~
 1107 | ~~months after the effective date of this section.~~

1108 | (5) ~~(6)~~ Expunction or sealing granted under this section
 1109 | does not prevent the minor who receives such relief from
 1110 | petitioning for the expunction or sealing of a later criminal
 1111 | history record as provided for in ss. 943.0585 and 943.059, if
 1112 | the minor is otherwise eligible under those sections.

1113 | Section 23. Paragraph (b) of subsection (1), paragraph (f)
 1114 | of subsection (2), and paragraph (a) of subsection (4) of
 1115 | section 943.0585, Florida Statutes, are amended to read:

1116 | 943.0585 Court-ordered expunction of criminal history
 1117 | records.—The courts of this state have jurisdiction over their
 1118 | own procedures, including the maintenance, expunction, and
 1119 | correction of judicial records containing criminal history
 1120 | information to the extent such procedures are not inconsistent

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1121 with the conditions, responsibilities, and duties established by
1122 this section. Any court of competent jurisdiction may order a
1123 criminal justice agency to expunge the criminal history record
1124 of a minor or an adult who complies with the requirements of
1125 this section. The court shall not order a criminal justice
1126 agency to expunge a criminal history record until the person
1127 seeking to expunge a criminal history record has applied for and
1128 received a certificate of eligibility for expunction pursuant to
1129 subsection (2). A criminal history record that relates to a
1130 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1131 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
1132 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
1133 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
1134 any violation specified as a predicate offense for registration
1135 as a sexual predator pursuant to s. 775.21, without regard to
1136 whether that offense alone is sufficient to require such
1137 registration, or for registration as a sexual offender pursuant
1138 to s. 943.0435, may not be expunged, without regard to whether
1139 adjudication was withheld, if the defendant was found guilty of
1140 or pled guilty or nolo contendere to the offense, or if the
1141 defendant, as a minor, was found to have committed, or pled
1142 guilty or nolo contendere to committing, the offense as a
1143 delinquent act. The court may only order expunction of a
1144 criminal history record pertaining to one arrest or one incident
1145 of alleged criminal activity, except as provided in this
1146 section. The court may, at its sole discretion, order the
1147 expunction of a criminal history record pertaining to more than
1148 one arrest if the additional arrests directly relate to the

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1149 original arrest. If the court intends to order the expunction of
1150 records pertaining to such additional arrests, such intent must
1151 be specified in the order. A criminal justice agency may not
1152 expunge any record pertaining to such additional arrests if the
1153 order to expunge does not articulate the intention of the court
1154 to expunge a record pertaining to more than one arrest. This
1155 section does not prevent the court from ordering the expunction
1156 of only a portion of a criminal history record pertaining to one
1157 arrest or one incident of alleged criminal activity.

1158 Notwithstanding any law to the contrary, a criminal justice
1159 agency may comply with laws, court orders, and official requests
1160 of other jurisdictions relating to expunction, correction, or
1161 confidential handling of criminal history records or information
1162 derived therefrom. This section does not confer any right to the
1163 expunction of any criminal history record, and any request for
1164 expunction of a criminal history record may be denied at the
1165 sole discretion of the court.

1166 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
1167 petition to a court to expunge a criminal history record is
1168 complete only when accompanied by:

1169 (b) The petitioner's sworn statement attesting that the
1170 petitioner:

1171 1. Has never, prior to the date on which the petition is
1172 filed, been adjudicated guilty of a criminal offense or
1173 comparable ordinance violation, or been adjudicated delinquent
1174 for committing any felony or a misdemeanor specified in s.
1175 943.051(3)(b).

1176 2. Has not been adjudicated guilty of, or adjudicated

1177 delinquent for committing, any of the acts stemming from the
 1178 arrest or alleged criminal activity to which the petition
 1179 pertains.

1180 3. Has never secured a prior sealing or expunction of a
 1181 criminal history record under this section, s. 943.059, former
 1182 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~
 1183 ~~jurisdiction outside the state~~, unless expunction is sought of a
 1184 criminal history record previously sealed for 10 years pursuant
 1185 to paragraph (2)(h) and the record is otherwise eligible for
 1186 expunction.

1187 4. Is eligible for such an expunction to the best of his
 1188 or her knowledge or belief and does not have any other petition
 1189 to expunge or any petition to seal pending before any court.

1190
 1191 Any person who knowingly provides false information on such
 1192 sworn statement to the court commits a felony of the third
 1193 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1194 775.084.

1195 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
 1196 petitioning the court to expunge a criminal history record, a
 1197 person seeking to expunge a criminal history record shall apply
 1198 to the department for a certificate of eligibility for
 1199 expunction. The department shall, by rule adopted pursuant to
 1200 chapter 120, establish procedures pertaining to the application
 1201 for and issuance of certificates of eligibility for expunction.
 1202 A certificate of eligibility for expunction is valid for 12
 1203 months after the date stamped on the certificate when issued by
 1204 the department. After that time, the petitioner must reapply to

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1205 the department for a new certificate of eligibility. Eligibility
1206 for a renewed certification of eligibility must be based on the
1207 status of the applicant and the law in effect at the time of the
1208 renewal application. The department shall issue a certificate of
1209 eligibility for expunction to a person who is the subject of a
1210 criminal history record if that person:

1211 (f) Has never secured a prior sealing or expunction of a
1212 criminal history record under this section, s. 943.059, former
1213 s. 893.14, former s. 901.33, or former s. 943.058, unless
1214 expunction is sought of a criminal history record previously
1215 sealed for 10 years pursuant to paragraph (h) and the record is
1216 otherwise eligible for expunction.

1217 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
1218 criminal history record of a minor or an adult which is ordered
1219 expunged by a court of competent jurisdiction pursuant to this
1220 section must be physically destroyed or obliterated by any
1221 criminal justice agency having custody of such record; except
1222 that any criminal history record in the custody of the
1223 department must be retained in all cases. A criminal history
1224 record ordered expunged that is retained by the department is
1225 confidential and exempt from the provisions of s. 119.07(1) and
1226 s. 24(a), Art. I of the State Constitution and not available to
1227 any person or entity except upon order of a court of competent
1228 jurisdiction. A criminal justice agency may retain a notation
1229 indicating compliance with an order to expunge.

1230 (a) The person who is the subject of a criminal history
1231 record that is expunged under this section or under other
1232 provisions of law, including former s. 893.14, former s. 901.33,

1233 and former s. 943.058, may lawfully deny or fail to acknowledge
 1234 the arrests covered by the expunged record, except when the
 1235 subject of the record:

1236 1. Is a candidate for employment with a criminal justice
 1237 agency;

1238 2. Is a defendant in a criminal prosecution;

1239 3. Concurrently or subsequently petitions for relief under
 1240 this section or s. 943.059;

1241 4. Is a candidate for admission to The Florida Bar;

1242 5. Is seeking to be employed or licensed by or to contract
 1243 with the Department of Children and Families ~~Family Services~~,
 1244 the Division of Vocational Rehabilitation within the Department
 1245 of Education, the Agency for Health Care Administration, the
 1246 Agency for Persons with Disabilities, the Department of Health,
 1247 the Department of Elderly Affairs, or the Department of Juvenile
 1248 Justice or to be employed or used by such contractor or licensee
 1249 in a sensitive position having direct contact with children, the
 1250 disabled, or the elderly; or

1251 6. Is seeking to be employed or licensed by the Department
 1252 of Education, any district school board, any university
 1253 laboratory school, any charter school, any private or parochial
 1254 school, or any local governmental entity that licenses child
 1255 care facilities; ~~or~~

1256 ~~7. Is seeking authorization from a seaport listed in s.~~
 1257 ~~311.09 for employment within or access to one or more of such~~
 1258 ~~seaports pursuant to s. 311.12.~~

1259 Section 24. Paragraph (b) of subsection (1), paragraph (e)
 1260 of subsection (2), and paragraph (a) of subsection (4) of

1261 section 943.059, Florida Statutes, are amended to read:
 1262 943.059 Court-ordered sealing of criminal history
 1263 records.—The courts of this state shall continue to have
 1264 jurisdiction over their own procedures, including the
 1265 maintenance, sealing, and correction of judicial records
 1266 containing criminal history information to the extent such
 1267 procedures are not inconsistent with the conditions,
 1268 responsibilities, and duties established by this section. Any
 1269 court of competent jurisdiction may order a criminal justice
 1270 agency to seal the criminal history record of a minor or an
 1271 adult who complies with the requirements of this section. The
 1272 court shall not order a criminal justice agency to seal a
 1273 criminal history record until the person seeking to seal a
 1274 criminal history record has applied for and received a
 1275 certificate of eligibility for sealing pursuant to subsection
 1276 (2). A criminal history record that relates to a violation of s.
 1277 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
 1278 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
 1279 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
 1280 916.1075, a violation enumerated in s. 907.041, or any violation
 1281 specified as a predicate offense for registration as a sexual
 1282 predator pursuant to s. 775.21, without regard to whether that
 1283 offense alone is sufficient to require such registration, or for
 1284 registration as a sexual offender pursuant to s. 943.0435, may
 1285 not be sealed, without regard to whether adjudication was
 1286 withheld, if the defendant was found guilty of or pled guilty or
 1287 nolo contendere to the offense, or if the defendant, as a minor,
 1288 was found to have committed or pled guilty or nolo contendere to

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

1311 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
1312 petition to a court to seal a criminal history record is
1313 complete only when accompanied by:

1314 (b) The petitioner's sworn statement attesting that the
1315 petitioner:

1316 1. Has never, prior to the date on which the petition is

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1317 filed, been adjudicated guilty of a criminal offense or
1318 comparable ordinance violation, or been adjudicated delinquent
1319 for committing any felony or a misdemeanor specified in s.
1320 943.051(3)(b).

1321 2. Has not been adjudicated guilty of or adjudicated
1322 delinquent for committing any of the acts stemming from the
1323 arrest or alleged criminal activity to which the petition to
1324 seal pertains.

1325 3. Has never secured a prior sealing or expunction of a
1326 criminal history record under this section, s. 943.0585, former
1327 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~
1328 ~~jurisdiction outside the state.~~

1329 4. Is eligible for such a sealing to the best of his or
1330 her knowledge or belief and does not have any other petition to
1331 seal or any petition to expunge pending before any court.

1332
1333 Any person who knowingly provides false information on such
1334 sworn statement to the court commits a felony of the third
1335 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1336 775.084.

1337 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
1338 petitioning the court to seal a criminal history record, a
1339 person seeking to seal a criminal history record shall apply to
1340 the department for a certificate of eligibility for sealing. The
1341 department shall, by rule adopted pursuant to chapter 120,
1342 establish procedures pertaining to the application for and
1343 issuance of certificates of eligibility for sealing. A
1344 certificate of eligibility for sealing is valid for 12 months

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

1353 (e) Has never secured a prior sealing or expunction of a
1354 criminal history record under this section, s. 943.0585, former
1355 s. 893.14, former s. 901.33, or former s. 943.058.

1356 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
1357 history record of a minor or an adult which is ordered sealed by
1358 a court of competent jurisdiction pursuant to this section is
1359 confidential and exempt from the provisions of s. 119.07(1) and
1360 s. 24(a), Art. I of the State Constitution and is available only
1361 to the person who is the subject of the record, to the subject's
1362 attorney, to criminal justice agencies for their respective
1363 criminal justice purposes, which include conducting a criminal
1364 history background check for approval of firearms purchases or
1365 transfers as authorized by state or federal law, to judges in
1366 the state courts system for the purpose of assisting them in
1367 their case-related decisionmaking responsibilities, as set forth
1368 in s. 943.053(5), or to those entities set forth in
1369 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
1370 licensing, access authorization, and employment purposes.

1371 (a) The subject of a criminal history record sealed under
1372 this section or under other provisions of law, including former

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1373 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 1374 deny or fail to acknowledge the arrests covered by the sealed
 1375 record, except when the subject of the record:

1376 1. Is a candidate for employment with a criminal justice
 1377 agency;

1378 2. Is a defendant in a criminal prosecution;

1379 3. Concurrently or subsequently petitions for relief under
 1380 this section or s. 943.0585;

1381 4. Is a candidate for admission to The Florida Bar;

1382 5. Is seeking to be employed or licensed by or to contract
 1383 with the Department of Children and Families ~~Family Services~~,
 1384 the Division of Vocational Rehabilitation within the Department
 1385 of Education, the Agency for Health Care Administration, the
 1386 Agency for Persons with Disabilities, the Department of Health,
 1387 the Department of Elderly Affairs, or the Department of Juvenile
 1388 Justice or to be employed or used by such contractor or licensee
 1389 in a sensitive position having direct contact with children, the
 1390 disabled, or the elderly;

1391 6. Is seeking to be employed or licensed by the Department
 1392 of Education, any district school board, any university
 1393 laboratory school, any charter school, any private or parochial
 1394 school, or any local governmental entity that licenses child
 1395 care facilities; or

1396 7. Is attempting to purchase a firearm from a licensed
 1397 importer, licensed manufacturer, or licensed dealer and is
 1398 subject to a criminal history check under state or federal law;
 1399 ~~or~~

1400 ~~8. Is seeking authorization from a Florida seaport~~

1401 ~~identified in s. 311.09 for employment within or access to one~~
 1402 ~~or more of such seaports pursuant to s. 311.12.~~

1403 Section 25. Section 943.125, Florida Statutes, is amended
 1404 to read:

1405 943.125 Accreditation of state and local law enforcement
 1406 agencies, correctional facilities, public agency offices of
 1407 inspectors general, and pretrial diversion programs ~~Law~~
 1408 ~~enforcement agency accreditation; intent.-~~

1409 (1) It is the intent of the Legislature that law
 1410 enforcement agencies, correctional facilities, public agency
 1411 offices of inspectors general, and pretrial diversion programs
 1412 within offices of the state attorneys, county government, or
 1413 sheriff's offices in the state be upgraded and strengthened
 1414 through the adoption of meaningful standards of operation for
 1415 those agencies and their functions.

1416 (2) It is the further intent of the Legislature that these
 1417 ~~law enforcement~~ agencies voluntarily adopt standards designed to
 1418 promote enhanced professionalism:

1419 (a) For equal and fair law enforcement, to maximize the
 1420 capability of law enforcement agencies to enforce the law
 1421 ~~prevent and control criminal activities, and to increase~~
 1422 ~~interagency cooperation throughout the state.~~

1423 (b) For correctional facilities, to maintain best
 1424 practices for the care, custody, and control of inmates.

1425 (c) Within public agency offices of inspector general, to
 1426 promote more effective scrutiny of public agency operations and
 1427 greater accountability of those serving in those agencies.

1428 (d) In the operation and management of pretrial diversion

1429 programs offered by and through the state attorney's offices,
 1430 county government, or sheriff's offices.

1431 ~~(3) It is further the intent of~~ The Legislature also
 1432 intends to encourage the continuation of a state accreditation
 1433 program to facilitate the enhanced professionalism identified in
 1434 subsection (2) Florida Sheriffs Association and the Florida
 1435 Police Chiefs Association to develop, either jointly or
 1436 separately, a law enforcement agency accreditation program.
 1437 Other than the staff support by the department as authorized in
 1438 subsection (5), the program must be independent of any law
 1439 enforcement agency, the Department of Corrections, the Florida
 1440 Sheriffs Association, or the Florida Police Chiefs Association.

1441 (4) The law enforcement accreditation program must
 1442 address, at a minimum, the following aspects of law enforcement:

- 1443 (a) Vehicle pursuits.
- 1444 (b) Seizure and forfeiture of contraband articles.
- 1445 (c) Recording and processing citizens' complaints.
- 1446 (d) Use of force.
- 1447 (e) Traffic stops.
- 1448 (f) Handling natural and manmade disasters.
- 1449 (g) Special operations.
- 1450 (h) Prisoner transfer.
- 1451 (i) Collection and preservation of evidence.
- 1452 (j) Recruitment and selection.
- 1453 (k) Officer training.
- 1454 (l) Performance evaluations.
- 1455 (m) Law enforcement disciplinary procedures and rights.
- 1456 (n) Use of criminal investigative funds.

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1457 (5) Subject to available funding, the department shall
1458 employ and assign adequate support staff to the Commission for
1459 Florida Law Enforcement Accreditation, Inc., and the Florida
1460 Corrections Accreditation Commission in support of the
1461 accreditation programs established in this section.

1462 (6) Accreditation standards related to law enforcement and
1463 inspectors general used by the accreditation programs
1464 established in this section shall be determined by the
1465 Commission for Florida Law Enforcement Accreditation, Inc.
1466 Accreditation standards related to corrections functions and
1467 pretrial diversion programs shall be determined by the Florida
1468 Corrections Accreditation Commission.

1469 Section 26. Subsection (5) of section 943.13, Florida
1470 Statutes, is amended to read:

1471 943.13 Officers' minimum qualifications for employment or
1472 appointment.—On or after October 1, 1984, any person employed or
1473 appointed as a full-time, part-time, or auxiliary law
1474 enforcement officer or correctional officer; on or after October
1475 1, 1986, any person employed as a full-time, part-time, or
1476 auxiliary correctional probation officer; and on or after
1477 October 1, 1986, any person employed as a full-time, part-time,
1478 or auxiliary correctional officer by a private entity under
1479 contract to the Department of Corrections, to a county
1480 commission, or to the Department of Management Services shall:

1481 (5) Have documentation of his or her processed
1482 fingerprints on file with the employing agency or, if a private
1483 correctional officer, have documentation of his or her processed
1484 fingerprints on file with the Department of Corrections or the

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1485 Criminal Justice Standards and Training Commission. ~~If~~
1486 ~~administrative delays are caused by the department or the~~
1487 ~~Federal Bureau of Investigation and the person has complied with~~
1488 ~~subsections (1)-(4) and (6)-(9), he or she may be employed or~~
1489 ~~appointed for a period not to exceed 1 calendar year from the~~
1490 ~~date he or she was employed or appointed or until return of the~~
1491 ~~processed fingerprints documenting noncompliance with~~
1492 ~~subsections (1)-(4) or subsection (7), whichever occurs first.~~
1493 ~~Beginning January 15, 2007,~~ The department shall retain and
1494 enter into the statewide automated biometric fingerprint
1495 identification system authorized by s. 943.05 all fingerprints
1496 submitted to the department as required by this section.
1497 Thereafter, the fingerprints shall be available for all purposes
1498 and uses authorized for arrest fingerprints ~~fingerprint cards~~
1499 entered in the statewide automated biometric fingerprint
1500 identification system pursuant to s. 943.051. The department
1501 shall search all arrest fingerprints ~~fingerprint cards~~ received
1502 pursuant to s. 943.051 against the fingerprints retained in the
1503 statewide automated biometric fingerprint identification system
1504 pursuant to this section and report to the employing agency any
1505 arrest records that are identified with the retained employee's
1506 fingerprints. ~~By January 1, 2008, a person who must meet minimum~~
1507 ~~qualifications as provided in this section and whose~~
1508 ~~fingerprints are not retained by the department pursuant to this~~
1509 ~~section must be refingerprinted.~~ These fingerprints must be
1510 forwarded to the department for processing and retention.

1511 Section 27. Subsection (1) of section 943.132, Florida
1512 Statutes, is amended to read:

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1513 943.132 Implementation of federal qualified active or
1514 qualified retired law enforcement concealed firearms provisions
1515 ~~Law Enforcement Officers Safety Act of 2004.~~—

1516 (1) The commission shall by rule establish the manner in
1517 which Title 18, 44 U.S.C. ss. 926B and 926C, ~~the federal Law~~
1518 ~~Enforcement Officers Safety Act of 2004,~~ relating to the
1519 carrying of concealed firearms by qualified law enforcement
1520 officers and qualified retired law enforcement officers, as
1521 defined in the act, shall be implemented in the state. In order
1522 to facilitate the implementation within the state of Title 18,
1523 44 U.S.C. ss. 926B and 926C, the commission shall ~~develop and~~
1524 authorize a uniform firearms proficiency verification card to be
1525 issued to persons who achieve a passing score on the firing
1526 range testing component as used ~~utilized~~ in the minimum firearms
1527 proficiency course applicable to active law enforcement
1528 officers, indicating the person's name and the date upon which
1529 he or she achieved the passing score. Each such card shall be
1530 issued only by firearms instructors with current certifications
1531 from ~~certified by~~ the commission.

1532 Section 28. Paragraph (a) of subsection (6) of section
1533 943.1395, Florida Statutes, is amended to read:

1534 943.1395 Certification for employment or appointment;
1535 concurrent certification; reemployment or reappointment;
1536 inactive status; revocation; suspension; investigation.—

1537 (6) The commission shall revoke the certification of any
1538 officer who is not in compliance with the provisions of s.
1539 943.13(4) or who intentionally executes a false affidavit
1540 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

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1541 (a) The commission shall cause to be investigated any
1542 ground for revocation from the employing agency pursuant to s.
1543 943.139 or from the Governor, and the commission may cause
1544 ~~investigate~~ verifiable complaints to be investigated. Any
1545 investigation initiated by the commission pursuant to this
1546 section must be completed within 6 months after receipt of the
1547 completed report of the disciplinary or internal affairs
1548 investigation from the employing agency or Governor's office. A
1549 verifiable complaint shall be completed within 1 year after
1550 receipt of the complaint. An investigation shall be considered
1551 completed upon a finding by a probable cause panel of the
1552 commission. These time periods shall be tolled during the appeal
1553 of a termination or other disciplinary action through the
1554 administrative or judicial process or during the period of any
1555 criminal prosecution of the officer.

1556 Section 29. Subsection (2) of section 943.1755, Florida
1557 Statutes, is amended to read:

1558 943.1755 Florida Criminal Justice Executive Institute.—

1559 (2) The institute is established within the Department of
1560 Law Enforcement and affiliated with the State University System.
1561 The Board of Governors of the State University System shall, in
1562 cooperation with the Department of Law Enforcement, determine
1563 the specific placement of the institute within the system. The
1564 Department of Law Enforcement maintains responsibility for
1565 delivering and facilitating all Florida Criminal Justice
1566 Executive Institute training.

1567 Section 30. Subsection (2) of section 943.1757, Florida
1568 Statutes, is amended to read:

1569 943.1757 Criminal justice executives; training; policy
 1570 report.—

1571 (2) The policy board of the Criminal Justice Executive
 1572 Institute shall identify the needs of criminal justice
 1573 executives regarding issues related to diverse populations, and
 1574 ensure that such needs are met through appropriate training.
 1575 ~~Beginning January 1, 1995, and every 5 years thereafter, the~~
 1576 ~~policy board shall provide to the appropriate substantive~~
 1577 ~~committees of each house a report describing executive training~~
 1578 ~~needs. In addition,~~ The policy board shall prepare a biennial
 1579 report to the appropriate substantive committees of each house
 1580 describing how these needs are being met through training by the
 1581 Criminal Justice Executive Institute.

1582 Section 31. Paragraph (a) of subsection (4) and subsection
 1583 (9) of section 943.25, Florida Statutes, are amended to read:

1584 943.25 Criminal justice trust funds; source of funds; use
 1585 of funds.—

1586 (4) The commission shall authorize the establishment of
 1587 regional training councils to advise and assist the commission
 1588 in developing and maintaining a plan assessing regional criminal
 1589 justice training needs and to act as an extension of the
 1590 commission in the planning, programming, and budgeting for
 1591 expenditures of the moneys in the Criminal Justice Standards and
 1592 Training Trust Fund.

1593 (a) The commission may ~~shall~~ annually forward to each
 1594 regional training council a list of its specific recommended
 1595 priority issues or items to be funded. Each regional training
 1596 council shall consider the recommendations of the commission in

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1597 relation to the needs of the region and either include the
1598 recommendations in the region's budget plan or satisfactorily
1599 justify their exclusion.

1600 (9) Up to \$250,000 per annum from the Criminal Justice
1601 Standards and Training Trust Fund may be used to develop,
1602 validate, update, and maintain test or assessment instruments,
1603 including computer-based testing, relating to selection,
1604 employment, training, or evaluation of officers, instructors, or
1605 courses. Pursuant to s. 943.12(4), (5), and (8), the commission
1606 shall adopt those test or assessment instruments which are
1607 appropriate and job-related as minimum requirements.

1608 Section 32. Subsection (14) of section 943.325, Florida
1609 Statutes, is amended to read:

1610 943.325 DNA database.—

1611 (14) RESULTS.—The results of a DNA analysis and the
1612 comparison of analytic results shall be released only to
1613 criminal justice agencies as defined in s. 943.045 ~~943.045(10)~~,
1614 at the request of the agency. Otherwise, such information is
1615 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
1616 s. 24(a), Art. I of the State Constitution.

1617 Section 33. Subsection (9) of section 943.68, Florida
1618 Statutes, is amended to read:

1619 943.68 Transportation and protective services.—

1620 (9) The department shall submit a report each August ~~July~~
1621 15 to the Governor, the Legislature, and the Cabinet, detailing
1622 all transportation and protective services provided under
1623 subsections (1), (5), and (6) within the preceding fiscal year.
1624 Each report shall include a detailed accounting of the cost of

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1625 such transportation and protective services, including the names
1626 of persons provided such services and the nature of state
1627 business performed.

1628 Section 34. Subsection (3) of section 285.18, Florida
1629 Statutes, is amended to read:

1630 285.18 Tribal council as governing body; powers and
1631 duties.—

1632 (3) The law enforcement agencies of the Seminole Tribe of
1633 Florida and the Miccosukee Tribe of Indians of Florida shall
1634 have the authority of "criminal justice agencies" as defined in
1635 s. 945.045(11)(e) ~~943.045(10)(e)~~ and shall have the specific
1636 authority to negotiate agreements with the ~~Florida~~ Department of
1637 Law Enforcement, the United States Department of Justice, and
1638 other federal law enforcement agencies for access to criminal
1639 history records for the purpose of conducting ongoing criminal
1640 investigations and for the following governmental purposes:

1641 (a) Background investigations, which are required for
1642 employment by a tribal education program, tribal Head Start
1643 program, or tribal day care program as may be required by state
1644 or federal law.

1645 (b) Background investigations, which are required for
1646 employment by tribal law enforcement agencies.

1647 (c) Background investigations, which are required for
1648 employment by a tribal government.

1649 (d) Background investigations with respect to all
1650 employees, primary management officials, and all persons having
1651 a financial interest in a class II Indian tribal gaming
1652 enterprise to ensure eligibility as provided in the Indian

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1653 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et al.

1654
 1655 With regard to those investigations authorized in paragraphs
 1656 (a), (c), and (d), each such individual shall file a complete
 1657 set of his or her fingerprints that have been taken by an
 1658 authorized law enforcement officer, which set of fingerprints
 1659 shall be submitted to the Department of Law Enforcement for
 1660 state processing and to the Federal Bureau of Investigation for
 1661 federal processing. The cost of processing shall be borne by the
 1662 applicant.

1663 Section 35. Paragraph (b) of subsection (2) of section
 1664 414.40, Florida Statutes, is amended to read:

1665 414.40 Stop Inmate Fraud Program established; guidelines.—

1666 (2) The Department of Financial Services is directed to
 1667 implement the Stop Inmate Fraud Program in accordance with the
 1668 following guidelines:

1669 (b) Pursuant to these procedures, the program shall have
 1670 access to records containing correctional information not exempt
 1671 from the public records law on incarcerated persons which have
 1672 been generated as criminal justice information. As used in this
 1673 paragraph, the terms term "record" is defined as provided in s.
 1674 943.045(7), and the term "criminal justice information" have the
 1675 same meanings is defined as provided in s. 943.045 943.045(3).

1676 Section 36. Section 447.045, Florida Statutes, is amended
 1677 to read:

1678 447.045 Information confidential.—Neither the department
 1679 nor any investigator or employee of the department shall divulge
 1680 in any manner the information obtained pursuant to the

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1681 processing of applicant fingerprints ~~fingerpr~~int cards, and such
 1682 information is confidential and exempt from ~~the provisions of s.~~
 1683 119.07(1).

1684 Section 37. Subsection (10) of section 455.213, Florida
 1685 Statutes, is amended to read:

1686 455.213 General licensing provisions.—

1687 (10) For any profession requiring fingerprints as part of
 1688 the registration, certification, or licensure process or for any
 1689 profession requiring a criminal history record check to
 1690 determine good moral character, ~~a fingerprint card containing~~
 1691 the fingerprints of the applicant must accompany all
 1692 applications for registration, certification, or licensure. The
 1693 fingerprints ~~fingerpr~~int card shall be forwarded to the Division
 1694 of Criminal Justice Information Systems within the Department of
 1695 Law Enforcement for ~~purposes of processing the fingerprint card~~
 1696 to determine whether ~~if~~ the applicant has a criminal history
 1697 record. The fingerprints ~~fingerpr~~int card shall also be
 1698 forwarded to the Federal Bureau of Investigation ~~for purposes of~~
 1699 ~~processing the fingerprint card~~ to determine whether ~~if~~ the
 1700 applicant has a criminal history record. The information
 1701 obtained by the processing of the fingerprints ~~fingerpr~~int card
 1702 by the ~~Florida~~ Department of Law Enforcement and the Federal
 1703 Bureau of Investigation shall be sent to the department to
 1704 determine whether ~~for the purpose of determining if~~ the
 1705 applicant is statutorily qualified for registration,
 1706 certification, or licensure.

1707 Section 38. Paragraph (d) of subsection (2) of section
 1708 468.453, Florida Statutes, is amended to read:

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1709 468.453 Licensure required; qualifications; license
 1710 nontransferable; service of process; temporary license; license
 1711 or application from another state.—

1712 (2) A person shall be licensed as an athlete agent if the
 1713 applicant:

1714 (d) Has submitted to the department fingerprints a
 1715 ~~fingerprint card~~ for a criminal history records check. The
 1716 fingerprints ~~fingerprint card~~ shall be forwarded to the Division
 1717 of Criminal Justice Information Systems within the Department of
 1718 Law Enforcement for ~~purposes of processing the fingerprint card~~
 1719 to determine whether ~~if~~ the applicant has a criminal history
 1720 record. The fingerprints ~~fingerprint card~~ shall also be
 1721 forwarded to the Federal Bureau of Investigation ~~for purposes of~~
 1722 ~~processing the fingerprint card~~ to determine whether ~~if~~ the
 1723 applicant has a criminal history record. The information
 1724 obtained by the processing of the fingerprints ~~fingerprint card~~
 1725 by the ~~Florida~~ Department of Law Enforcement and the Federal
 1726 Bureau of Investigation shall be sent to the department to
 1727 determine whether ~~for the purpose of determining if~~ the
 1728 applicant is statutorily qualified for licensure.

1729 Section 39. Subsection (3) of section 475.615, Florida
 1730 Statutes, is amended to read:

1731 475.615 Qualifications for registration or certification.—

1732 (3) Appropriate fees, as set forth in the rules of the
 1733 board pursuant to s. 475.6147, and a set of fingerprints
 1734 ~~fingerprint card~~ must accompany all applications for
 1735 registration or certification. The fingerprints ~~fingerprint card~~
 1736 shall be forwarded to the Division of Criminal Justice

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1737 Information Systems within the Department of Law Enforcement for
1738 ~~purposes of processing the fingerprint card~~ to determine whether
1739 ~~if~~ the applicant has a criminal history record. The fingerprints
1740 ~~fingerprint card~~ shall also be forwarded to the Federal Bureau
1741 of Investigation ~~for purposes of processing the fingerprint card~~
1742 to determine whether ~~if~~ the applicant has a criminal history
1743 record. The information obtained by the processing of the
1744 fingerprints ~~fingerprint card~~ by the Department of Law
1745 Enforcement and the Federal Bureau of Investigation shall be
1746 sent to the department to determine whether ~~for the purpose of~~
1747 ~~determining if~~ the applicant is statutorily qualified for
1748 registration or certification. ~~Effective July 1, 2006, an~~
1749 ~~applicant must provide fingerprints in electronic format.~~

1750 Section 40. Paragraph (j) of subsection (3) of section
1751 493.6105, Florida Statutes, is amended to read:

1752 493.6105 Initial application for license.—

1753 (3) The application must contain the following information
1754 concerning the individual signing the application:

1755 (j) A full set of fingerprints ~~on a card provided by the~~
1756 ~~department~~ and a fingerprint fee to be established by rule of
1757 the department based upon costs determined by state and federal
1758 agency charges and department processing costs. An applicant who
1759 has, within the immediately preceding 6 months, submitted such
1760 fingerprints ~~a fingerprint card~~ and fee for licensing purposes
1761 under this chapter is not required to submit another set of
1762 fingerprints ~~fingerprint card~~ or fee.

1763 Section 41. Paragraph (a) of subsection (1) of section
1764 493.6108, Florida Statutes, is amended to read:

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1765 493.6108 Investigation of applicants by Department of
 1766 Agriculture and Consumer Services.—

1767 (1) Except as otherwise provided, the department must
 1768 investigate an applicant for a license under this chapter before
 1769 it may issue the license. The investigation must include:

1770 (a)1. An examination of fingerprint records and police
 1771 records. If a criminal history record check of any applicant
 1772 under this chapter is performed by means of fingerprint ~~card~~
 1773 identification, the time limitations prescribed by s. 120.60(1)
 1774 shall be tolled during the time the applicant's fingerprints are
 1775 ~~fingerprint card is~~ under review by the Department of Law
 1776 Enforcement or the United States Department of Justice, Federal
 1777 Bureau of Investigation.

1778 2. If a legible set of fingerprints, as determined by the
 1779 Department of Law Enforcement or the Federal Bureau of
 1780 Investigation, cannot be obtained after two attempts, the
 1781 Department of Agriculture and Consumer Services may determine
 1782 the applicant's eligibility based upon a criminal history record
 1783 check under the applicant's name conducted by the Department of
 1784 Law Enforcement if the fingerprints are taken by a law
 1785 enforcement agency or the department and the applicant submits a
 1786 written statement signed by the fingerprint technician or a
 1787 licensed physician stating that there is a physical condition
 1788 that precludes obtaining a legible set of fingerprints or that
 1789 the fingerprints taken are the best that can be obtained.

1790 Section 42. Paragraph (f) of subsection (2) of section
 1791 494.00312, Florida Statutes, is amended to read:

1792 494.00312 Loan originator license.—

1793 (2) In order to apply for a loan originator license, an
 1794 applicant must:

1795 (f) Submit fingerprints in accordance with rules adopted
 1796 by the commission:

1797 1. The fingerprints may be submitted to the registry, the
 1798 office, or a vendor acting on behalf of the registry or the
 1799 office.

1800 2. The office may contract with a third-party vendor to
 1801 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
 1802 ~~card~~.

1803 3. A state criminal history background check must be
 1804 conducted through the Department of Law Enforcement, and a
 1805 federal criminal history background check must be conducted
 1806 through the Federal Bureau of Investigation.

1807 4. All fingerprints submitted to the Department of Law
 1808 Enforcement must be submitted electronically and entered into
 1809 the statewide automated biometric ~~fingerprint~~ identification
 1810 system established in s. 943.05(2)(b) and available for use in
 1811 accordance with s. 943.05(2)(g) and (h). The office shall pay an
 1812 annual fee to the department to participate in the system and
 1813 inform the department of any person whose fingerprints are no
 1814 longer required to be retained.

1815 5. The costs of fingerprint processing, including the cost
 1816 of retaining the fingerprints, shall be borne by the person
 1817 subject to the background check.

1818 6. The office is responsible for reviewing the results of
 1819 the state and federal criminal history checks and determining
 1820 whether the applicant meets licensure requirements.

1821 Section 43. Paragraph (d) of subsection (2) of section
 1822 494.00321, Florida Statutes, is amended to read:

1823 494.00321 Mortgage broker license.—

1824 (2) In order to apply for a mortgage broker license, an
 1825 applicant must:

1826 (d) Submit fingerprints for each of the applicant's
 1827 control persons in accordance with rules adopted by the
 1828 commission:

1829 1. The fingerprints may be submitted to the registry, the
 1830 office, or a vendor acting on behalf of the registry or the
 1831 office.

1832 2. The office may contract with a third-party vendor to
 1833 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
 1834 ~~card~~.

1835 3. A state criminal history background check must be
 1836 conducted through the Department of Law Enforcement, and a
 1837 federal criminal history background check must be conducted
 1838 through the Federal Bureau of Investigation.

1839 4. All fingerprints submitted to the Department of Law
 1840 Enforcement must be submitted electronically and entered into
 1841 the statewide automated biometric fingerprint identification
 1842 system established in s. 943.05(2) (b) and available for use in
 1843 accordance with s. 943.05(2) (g) and (h). The office shall pay an
 1844 annual fee to the department to participate in the system and
 1845 inform the department of any person whose fingerprints are no
 1846 longer required to be retained.

1847 5. The costs of fingerprint processing, including the cost
 1848 of retaining the fingerprints, shall be borne by the person

1849 subject to the background check.

1850 6. The office is responsible for reviewing the results of
 1851 the state and federal criminal history checks and determining
 1852 whether the applicant meets licensure requirements.

1853 Section 44. Paragraph (d) of subsection (2) of section
 1854 494.00611, Florida Statutes, is amended to read:

1855 494.00611 Mortgage lender license.—

1856 (2) In order to apply for a mortgage lender license, an
 1857 applicant must:

1858 (d) Submit fingerprints for each of the applicant's
 1859 control persons in accordance with rules adopted by the
 1860 commission:

1861 1. The fingerprints may be submitted to the registry, the
 1862 office, or a vendor acting on behalf of the registry or the
 1863 office.

1864 2. The office may contract with a third-party vendor to
 1865 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
 1866 ~~card~~.

1867 3. A state criminal history background check must be
 1868 conducted through the Department of Law Enforcement, and a
 1869 federal criminal history background check must be conducted
 1870 through the Federal Bureau of Investigation.

1871 4. All fingerprints submitted to the Department of Law
 1872 Enforcement must be submitted electronically and entered into
 1873 the statewide automated biometric ~~fingerprint~~ identification
 1874 system established in s. 943.05(2)(b) and available for use in
 1875 accordance with s. 943.05(2)(g) and (h). The office shall pay an
 1876 annual fee to the department to participate in the system and

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1877 | inform the department of any person whose fingerprints are no
1878 | longer required to be retained.

1879 | 5. The costs of fingerprint processing, including the cost
1880 | of retaining the fingerprints, shall be borne by the person
1881 | subject to the background check.

1882 | 6. The office is responsible for reviewing the results of
1883 | the state and federal criminal history checks and determining
1884 | whether the applicant meets licensure requirements.

1885 | Section 45. Subsections (7) and (10) of section 517.12,
1886 | Florida Statutes, are amended to read:

1887 | 517.12 Registration of dealers, associated persons,
1888 | investment advisers, and branch offices.—

1889 | (7) The application shall also contain such information as
1890 | the commission or office may require about the applicant; any
1891 | member, principal, or director of the applicant or any person
1892 | having a similar status or performing similar functions; any
1893 | person directly or indirectly controlling the applicant; or any
1894 | employee of a dealer or of an investment adviser rendering
1895 | investment advisory services. Each applicant and any direct
1896 | owners, principals, or indirect owners that are required to be
1897 | reported on Form BD or Form ADV pursuant to subsection (15)
1898 | shall file a complete set of fingerprints. Fingerprints A
1899 | ~~fingerprint card~~ submitted to the office must be taken by an
1900 | authorized law enforcement agency or in a manner approved by the
1901 | commission by rule. The office shall submit the fingerprints to
1902 | the Department of Law Enforcement for state processing, and the
1903 | Department of Law Enforcement shall forward the fingerprints to
1904 | the Federal Bureau of Investigation for federal processing. The

1905 | cost of the fingerprint processing may be borne by the office,
 1906 | the employer, or the person subject to the background check. The
 1907 | Department of Law Enforcement shall submit an invoice to the
 1908 | office for the fingerprints received each month. The office
 1909 | shall screen the background results to determine whether ~~if~~ the
 1910 | applicant meets licensure requirements. The commission may
 1911 | waive, by rule, the requirement that applicants, including any
 1912 | direct owners, principals, or indirect owners that are required
 1913 | to be reported on Form BD or Form ADV pursuant to subsection
 1914 | (15), file a set of fingerprints or the requirement that such
 1915 | fingerprints be processed by the Department of Law Enforcement
 1916 | or the Federal Bureau of Investigation. The commission or office
 1917 | may require information about any such applicant or person
 1918 | concerning such matters as:

1919 | (a) His or her full name, and any other names by which he
 1920 | or she may have been known, and his or her age, social security
 1921 | number, photograph, qualifications, and educational and business
 1922 | history.

1923 | (b) Any injunction or administrative order by a state or
 1924 | federal agency, national securities exchange, or national
 1925 | securities association involving a security or any aspect of the
 1926 | securities business and any injunction or administrative order
 1927 | by a state or federal agency regulating banking, insurance,
 1928 | finance, or small loan companies, real estate, mortgage brokers,
 1929 | or other related or similar industries, which injunctions or
 1930 | administrative orders relate to such person.

1931 | (c) His or her conviction of, or plea of nolo contendere
 1932 | to, a criminal offense or his or her commission of any acts

1933 | which would be grounds for refusal of an application under s.
 1934 | 517.161.

1935 | (d) The names and addresses of other persons of whom the
 1936 | office may inquire as to his or her character, reputation, and
 1937 | financial responsibility.

1938 | (10) An applicant for registration shall pay an assessment
 1939 | fee of \$200, in the case of a dealer or investment adviser, or
 1940 | \$50, in the case of an associated person. An associated person
 1941 | may be assessed an additional fee to cover the cost for the
 1942 | fingerprints ~~fingerprint cards~~ to be processed by the office.
 1943 | Such fee shall be determined by rule of the commission. Each
 1944 | dealer and each investment adviser shall pay an assessment fee
 1945 | of \$100 for each office in this state. Such fees become the
 1946 | revenue of the state, except for those assessments provided for
 1947 | under s. 517.131(1) until such time as the Securities Guaranty
 1948 | Fund satisfies the statutory limits, and are not returnable in
 1949 | the event that registration is withdrawn or not granted.

1950 | Section 46. Subsection (2) of section 538.09, Florida
 1951 | Statutes, is amended to read:

1952 | 538.09 Registration.—

1953 | (2) The secondhand dealer shall furnish with her or his
 1954 | registration a complete set of her or his fingerprints,
 1955 | certified by an authorized law enforcement officer, and a recent
 1956 | fullface photographic identification card of herself or himself.
 1957 | The Department of Law Enforcement shall report its findings to
 1958 | the Department of Revenue within 30 days after the date the
 1959 | fingerprints ~~fingerprint cards~~ are submitted for criminal
 1960 | justice information.

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1961 Section 47. Paragraph (b) of subsection (1) of section
 1962 538.25, Florida Statutes, is amended to read:

1963 538.25 Registration.—

1964 (1) A person may not engage in business as a secondary
 1965 metals recycler at any location without registering with the
 1966 department. The department shall accept applications only from a
 1967 fixed business address. The department may not accept an
 1968 application that provides an address of a hotel room or motel
 1969 room, a vehicle, or a post office box.

1970 (b) The department shall forward the full set of
 1971 fingerprints to the Department of Law Enforcement for state and
 1972 federal processing, provided the federal service is available,
 1973 to be processed for any criminal justice information as defined
 1974 in s. 943.045. The cost of processing such fingerprints shall be
 1975 payable to the Department of Law Enforcement by the department.
 1976 The department may issue a temporary registration to each
 1977 location pending completion of the background check by state and
 1978 federal law enforcement agencies, but shall revoke such
 1979 temporary registration if the completed background check reveals
 1980 a prohibited criminal background. The Department of Law
 1981 Enforcement shall report its findings to the Department of
 1982 Revenue within 30 days after the date the fingerprints
 1983 ~~fingerprint cards~~ are submitted for criminal justice
 1984 information.

1985 Section 48. Subsection (2) of section 548.024, Florida
 1986 Statutes, is amended to read:

1987 548.024 Background investigation of applicants for
 1988 licensure.—

1989 (2) If the commission requires a background criminal
 1990 history investigation of any applicant, it shall require the
 1991 applicant to submit to the department fingerprints ~~a fingerprint~~
 1992 ~~card~~ for this purpose. The fingerprints ~~fingerprint card~~ shall
 1993 be forwarded to the Division of Criminal Justice Information
 1994 Systems within the Department of Law Enforcement and the Federal
 1995 Bureau of Investigation for ~~purposes of~~ processing the
 1996 ~~fingerprint card~~ to determine whether ~~if~~ the applicant has a
 1997 criminal history record. The information obtained by the
 1998 processing of the fingerprints ~~fingerprint card~~ by the
 1999 Department of Law Enforcement and the Federal Bureau of
 2000 Investigation shall be sent to the department to determine
 2001 whether ~~for the purpose of determining if~~ the applicant is
 2002 statutorily qualified for licensure.

2003 Section 49. Paragraphs (b) and (c) of subsection (10) of
 2004 section 550.105, Florida Statutes, are amended to read:

2005 550.105 Occupational licenses of racetrack employees;
 2006 fees; denial, suspension, and revocation of license; penalties
 2007 and fines.—

2008 (10)

2009 (b) All fingerprints required by this section that are
 2010 submitted to the Department of Law Enforcement shall be retained
 2011 by the Department of Law Enforcement and entered into the
 2012 statewide automated biometric ~~fingerprint~~ identification system
 2013 as authorized by s. 943.05(2)(b) and shall be available for all
 2014 purposes and uses authorized for arrest fingerprints ~~fingerprint~~
 2015 ~~cards~~ entered into the statewide automated biometric ~~fingerprint~~
 2016 identification system pursuant to s. 943.051.

2017 (c) The Department of Law Enforcement shall search all
 2018 arrest fingerprints received pursuant to s. 943.051 against the
 2019 fingerprints retained in the statewide automated biometric
 2020 ~~fingerprint~~ identification system under paragraph (b). Any
 2021 arrest record that is identified with the retained fingerprints
 2022 of a person subject to the criminal history screening
 2023 requirements of this section shall be reported to the division.
 2024 Each licensee shall pay a fee to the division for the cost of
 2025 retention of the fingerprints and the ongoing searches under
 2026 this paragraph. The division shall forward the payment to the
 2027 Department of Law Enforcement. The amount of the fee to be
 2028 imposed for performing these searches and the procedures for the
 2029 retention of licensee fingerprints shall be as established by
 2030 rule of the Department of Law Enforcement. The division shall
 2031 inform the Department of Law Enforcement of any change in the
 2032 license status of licensees whose fingerprints are retained
 2033 under paragraph (b).

2034 Section 50. Subsection (2) of section 550.908, Florida
 2035 Statutes, is amended to read:

2036 550.908 Powers and duties of compact committee.—In order
 2037 to carry out the purposes of this compact, the compact committee
 2038 has the power and duty to:

2039 (2) Investigate applicants for licensure by the compact
 2040 committee and, as permitted by federal and state law, gather
 2041 information on such applicants, including criminal history
 2042 record information from the Federal Bureau of Investigation and
 2043 relevant state and local law enforcement agencies, and, where
 2044 appropriate, from the Royal Canadian Mounted Police and law

2045 enforcement agencies of other countries, which is necessary to
 2046 determine whether a license should be issued under the licensure
 2047 requirements established by the committee under subsection (1).
 2048 The fingerprints of each applicant for licensure by the compact
 2049 committee shall be taken by the compact committee, its
 2050 employees, or its designee, and, pursuant to Pub. L. No. 92-544
 2051 or Pub. L. No. 100-413, shall be forwarded to a state
 2052 identification bureau or to the Association of Racing
 2053 Commissioners International, Inc., for submission to the Federal
 2054 Bureau of Investigation for a criminal history record check.
 2055 Such fingerprints may be submitted ~~on a fingerprint card or~~ by
 2056 electronic or other means authorized by the Federal Bureau of
 2057 Investigation or other receiving law enforcement agency.

2058 Section 51. Paragraphs (c) and (d) of subsection (7) of
 2059 section 551.107, Florida Statutes, are amended to read:

2060 551.107 Slot machine occupational license; findings;
 2061 application; fee.—

2062 (7) Fingerprints for all slot machine occupational license
 2063 applications shall be taken in a manner approved by the division
 2064 and shall be submitted electronically to the Department of Law
 2065 Enforcement for state processing and the Federal Bureau of
 2066 Investigation for national processing for a criminal history
 2067 record check. All persons as specified in s. 550.1815(1)(a)
 2068 employed by or working within a licensed premises shall submit
 2069 fingerprints for a criminal history record check and may not
 2070 have been convicted of any disqualifying criminal offenses
 2071 specified in subsection (6). Division employees and law
 2072 enforcement officers assigned by their employing agencies to

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2073 work within the premises as part of their official duties are
2074 excluded from the criminal history record check requirements
2075 under this subsection. For purposes of this subsection, the term
2076 "convicted" means having been found guilty, with or without
2077 adjudication of guilt, as a result of a jury verdict, nonjury
2078 trial, or entry of a plea of guilty or nolo contendere.

2079 (c) All fingerprints submitted to the Department of Law
2080 Enforcement and required by this section shall be retained by
2081 the Department of Law Enforcement and entered into the statewide
2082 automated biometric fingerprint identification system as
2083 authorized by s. 943.05(2) (b) and shall be available for all
2084 purposes and uses authorized for arrest fingerprints ~~fingerprint~~
2085 ~~cards~~ entered into the statewide automated biometric fingerprint
2086 identification system pursuant to s. 943.051.

2087 (d) The Department of Law Enforcement shall search all
2088 arrest fingerprints received pursuant to s. 943.051 against the
2089 fingerprints retained in the statewide automated biometric
2090 ~~fingerprint~~ identification system under paragraph (c). Any
2091 arrest record that is identified with the retained fingerprints
2092 of a person subject to the criminal history screening
2093 requirements of this section shall be reported to the division.
2094 Each licensed facility shall pay a fee to the division for the
2095 cost of retention of the fingerprints and the ongoing searches
2096 under this paragraph. The division shall forward the payment to
2097 the Department of Law Enforcement. The amount of the fee to be
2098 imposed for performing these searches and the procedures for the
2099 retention of licensee fingerprints shall be as established by
2100 rule of the Department of Law Enforcement. The division shall

2101 | inform the Department of Law Enforcement of any change in the
 2102 | license status of licensees whose fingerprints are retained
 2103 | under paragraph (c).

2104 | Section 52. Paragraph (b) of subsection (1) of section
 2105 | 560.141, Florida Statutes, is amended to read:

2106 | 560.141 License application.—

2107 | (1) To apply for a license as a money services business
 2108 | under this chapter the applicant must:

2109 | (b) In addition to the application form, submit:

2110 | 1. A nonrefundable application fee as provided in s.
 2111 | 560.143.

2112 | 2. A set of fingerprints ~~fingerp~~~~rint~~ ~~card~~ for each of the
 2113 | persons listed in subparagraph (a)3. unless the applicant is a
 2114 | publicly traded corporation, or is exempted from this chapter
 2115 | under s. 560.104(1). The fingerprints must be taken by an
 2116 | authorized law enforcement agency. The office shall submit the
 2117 | fingerprints to the Department of Law Enforcement for state
 2118 | processing, and the Department of Law Enforcement shall forward
 2119 | the fingerprints to the Federal Bureau of Investigation for
 2120 | federal processing. The cost of the fingerprint processing may
 2121 | be borne by the office, the employer, or the person subject to
 2122 | the criminal records background check. The office shall screen
 2123 | the background results to determine whether ~~if~~ the applicant
 2124 | meets licensure requirements. As used in this section, the term
 2125 | "publicly traded" means a stock is currently traded on a
 2126 | national securities exchange registered with the federal
 2127 | Securities and Exchange Commission or traded on an exchange in a
 2128 | country other than the United States regulated by a regulator

2129 equivalent to the Securities and Exchange Commission and the
 2130 disclosure and reporting requirements of such regulator are
 2131 substantially similar to those of the commission.

2132 3. A copy of the applicant's written anti-money laundering
 2133 program required under 31 C.F.R. s. 103.125.

2134 4. Within the time allotted by rule, any information
 2135 needed to resolve any deficiencies found in the application.

2136 Section 53. Subsection (1) of section 628.906, Florida
 2137 Statutes, is amended to read:

2138 628.906 Application requirements; restrictions on
 2139 eligibility of officers and directors.—

2140 (1) To evidence competence and trustworthiness of its
 2141 officers and directors, the application for a license to act as
 2142 a captive insurance company or captive reinsurance company shall
 2143 include, but not be limited to, background investigations,
 2144 biographical affidavits, and fingerprints ~~fingerprint cards~~ for
 2145 all officers and directors. Fingerprints must be taken by a law
 2146 enforcement agency or other entity approved by the office, be
 2147 accompanied by the fingerprint processing fee specified in s.
 2148 624.501, and processed in accordance with s. 624.34.

2149 Section 54. Subsection (3) of section 633.34, Florida
 2150 Statutes, is amended to read:

2151 633.34 Firefighters; qualifications for employment.—Any
 2152 person applying for employment as a firefighter must:

2153 (3) Submit a set of fingerprints ~~fingerprint card~~ to the
 2154 division with a current processing fee. The fingerprints
 2155 ~~fingerprint card~~ will be forwarded to the Department of Law
 2156 Enforcement and/or the Federal Bureau of Investigation.

2157 Section 55. Subsection (2), paragraph (b) of subsection
 2158 (3), and paragraphs (b) and (c) of subsection (4) of section
 2159 744.3135, Florida Statutes, are amended to read:

2160 744.3135 Credit and criminal investigation.—

2161 (2) For nonprofessional guardians, the court shall accept
 2162 the satisfactory completion of a criminal history record check
 2163 as described in this subsection. A nonprofessional guardian
 2164 satisfies the requirements of this section by undergoing a state
 2165 and national criminal history record check using fingerprints a
 2166 ~~fingerprint card. The clerk of the court shall obtain~~
 2167 ~~fingerprint cards from the Federal Bureau of Investigation and~~
 2168 ~~make them available to nonprofessional guardians. Any~~
 2169 nonprofessional guardian who is so required shall have his or
 2170 her fingerprints taken and forward them ~~the completed~~
 2171 ~~fingerprint card~~ along with the necessary fee to the Department
 2172 of Law Enforcement for processing. The results of the
 2173 fingerprint ~~card~~ criminal history record check shall be
 2174 forwarded to the clerk of the court, who shall maintain the
 2175 results in the nonprofessional guardian's file and make the
 2176 results available to the court.

2177 (3) For professional guardians, the court and the
 2178 Statewide Public Guardianship Office shall accept the
 2179 satisfactory completion of a criminal history record check by
 2180 any method described in this subsection. A professional guardian
 2181 satisfies the requirements of this section by undergoing:

2182 (b) A criminal history record check using fingerprints a
 2183 ~~fingerprint card. The clerk of the court shall obtain~~
 2184 ~~fingerprint cards from the Federal Bureau of Investigation and~~

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2185 | ~~make them available to guardians.~~ Any guardian who is so
2186 | required shall have his or her fingerprints taken and forward
2187 | ~~them the proper fingerprint card~~ along with the necessary fee to
2188 | the Department of Law Enforcement for processing. The results of
2189 | the fingerprint ~~card~~ criminal history record check ~~checks~~ shall
2190 | be forwarded to the clerk of the court, who shall maintain the
2191 | results in the guardian's file and make the results available to
2192 | the court and the Statewide Public Guardianship Office.

2193 | (4)

2194 | (b) All fingerprints electronically submitted to the
2195 | Department of Law Enforcement under this section shall be
2196 | retained by the Department of Law Enforcement in a manner
2197 | provided by rule and entered in the statewide automated
2198 | biometric fingerprint identification system authorized by s.
2199 | 943.05(2)(b). The fingerprints shall thereafter be available for
2200 | all purposes and uses authorized for arrest fingerprints
2201 | ~~fingerprint cards~~ entered in the Criminal Justice Information
2202 | Program under s. 943.051.

2203 | (c) The Department of Law Enforcement shall search all
2204 | arrest fingerprints ~~fingerprint cards~~ received under s. 943.051
2205 | against the fingerprints retained in the statewide automated
2206 | biometric fingerprint identification system under paragraph (b).
2207 | Any arrest record that is identified with the fingerprints of a
2208 | person described in this paragraph must be reported to the clerk
2209 | of court. The clerk of court must forward any arrest record
2210 | received for a professional guardian to the Statewide Public
2211 | Guardianship Office within 5 days. Each professional guardian
2212 | who elects to submit fingerprint information electronically

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2213 shall participate in this search process by paying an annual fee
2214 to the Statewide Public Guardianship Office of the Department of
2215 Elderly Affairs and by informing the clerk of court and the
2216 Statewide Public Guardianship Office of any change in the status
2217 of his or her guardianship appointment. The amount of the annual
2218 fee to be imposed for performing these searches and the
2219 procedures for the retention of professional guardian
2220 fingerprints and the dissemination of search results shall be
2221 established by rule of the Department of Law Enforcement. At
2222 least once every 5 years, the Statewide Public Guardianship
2223 Office must request that the Department of Law Enforcement
2224 forward the fingerprints maintained under this section to the
2225 Federal Bureau of Investigation.

2226 Section 56. Paragraph (b) of subsection (5) of section
2227 775.21, Florida Statutes, is amended to read:

2228 775.21 The Florida Sexual Predators Act.—

2229 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
2230 as a sexual predator as follows:

2231 (b) If a sexual predator is not sentenced to a term of
2232 imprisonment, the clerk of the court shall ensure that the
2233 sexual predator's fingerprints are taken and forwarded to the
2234 department within 48 hours after the court renders its written
2235 sexual predator finding. The fingerprints ~~fingerprint card~~ shall
2236 be clearly marked, "Sexual Predator Registration ~~Card~~." The
2237 clerk of the court that convicts and sentences the sexual
2238 predator for the offense or offenses described in subsection (4)
2239 shall forward to the department and to the Department of
2240 Corrections a certified copy of any order entered by the court

2241 imposing any special condition or restriction on the sexual
 2242 predator that ~~which~~ restricts or prohibits access to the victim,
 2243 if the victim is a minor, or to other minors.

2244 Section 57. Paragraph (d) of subsection (3) of section
 2245 775.261, Florida Statutes, is amended to read:

2246 775.261 The Florida Career Offender Registration Act.—

2247 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

2248 (d) If a career offender is not sentenced to a term of
 2249 imprisonment, the clerk of the court shall ensure that the
 2250 career offender's fingerprints are taken and forwarded to the
 2251 department within 48 hours after the court renders its finding
 2252 that an offender is a career offender. The fingerprints
 2253 ~~fingerprint card~~ shall be clearly marked, "Career Offender
 2254 Registration Card."

2255 Section 58. Paragraph (a) of subsection (11) of section
 2256 790.06, Florida Statutes, is amended to read:

2257 790.06 License to carry concealed weapon or firearm.—

2258 (11) (a) No less than 90 days before the expiration date of
 2259 the license, the Department of Agriculture and Consumer Services
 2260 shall mail to each licensee a written notice of the expiration
 2261 and a renewal form prescribed by the Department of Agriculture
 2262 and Consumer Services. The licensee must renew his or her
 2263 license on or before the expiration date by filing with the
 2264 Department of Agriculture and Consumer Services the renewal form
 2265 containing a notarized affidavit stating that the licensee
 2266 remains qualified pursuant to the criteria specified in
 2267 subsections (2) and (3), a color photograph as specified in
 2268 paragraph (5) (e), and the required renewal fee. Out-of-state

2269 residents must also submit a complete set of fingerprints
 2270 ~~completed fingerprint card~~ and fingerprint processing fee. The
 2271 license shall be renewed upon receipt of the completed renewal
 2272 form, color photograph, appropriate payment of fees, and, if
 2273 applicable, fingerprints ~~a completed fingerprint card~~.
 2274 Additionally, a licensee who fails to file a renewal application
 2275 on or before its expiration date must renew his or her license
 2276 by paying a late fee of \$15. A license may not be renewed 180
 2277 days or more after its expiration date, and such a license is
 2278 deemed to be permanently expired. A person whose license has
 2279 been permanently expired may reapply for licensure; however, an
 2280 application for licensure and fees under subsection (5) must be
 2281 submitted, and a background investigation shall be conducted
 2282 pursuant to this section. A person who knowingly files false
 2283 information under this subsection is subject to criminal
 2284 prosecution under s. 837.06.

2285 Section 59. Subsection (3) of section 944.607, Florida
 2286 Statutes, is amended to read:

2287 944.607 Notification to Department of Law Enforcement of
 2288 information on sexual offenders.—

2289 (3) If a sexual offender is not sentenced to a term of
 2290 imprisonment, the clerk of the court shall ensure that the
 2291 sexual offender's fingerprints are taken and forwarded to the
 2292 Department of Law Enforcement within 48 hours after the court
 2293 sentences the offender. The fingerprints ~~fingerprint card~~ shall
 2294 be clearly marked "Sexual Offender Registration ~~Card~~."

2295 Section 60. Subsection (2) of section 944.608, Florida
 2296 Statutes, is amended to read:

2297 944.608 Notification to Department of Law Enforcement of
 2298 information on career offenders.—

2299 (2) If a career offender is not sentenced to a term of
 2300 imprisonment, the clerk of the court shall ensure that the
 2301 career offender's fingerprints are taken and forwarded to the
 2302 Department of Law Enforcement within 48 hours after the court
 2303 sentences the career offender. The fingerprints ~~fingerprint card~~
 2304 shall be clearly marked "Career Offender Registration ~~Card~~."

2305 Section 61. Paragraph (b) of subsection (1) of section
 2306 985.11, Florida Statutes, is amended to read:

2307 985.11 Fingerprinting and photographing.—

2308 (1)

2309 (b) A child who is charged with or found to have committed
 2310 one of the following offenses shall be fingerprinted, and the
 2311 fingerprints shall be submitted to the Department of Law
 2312 Enforcement as provided in s. 943.051(3)(b):

- 2313 1. Assault, as defined in s. 784.011.
- 2314 2. Battery, as defined in s. 784.03.
- 2315 3. Carrying a concealed weapon, as defined in s.
 2316 790.01(1).
- 2317 4. Unlawful use of destructive devices or bombs, as
 2318 defined in s. 790.1615(1).
- 2319 5. Neglect ~~Negligent treatment of a child~~ children, as
 2320 defined in s. 827.03(1)(e) ~~former s. 827.05~~.
- 2321 6. Assault on a law enforcement officer, a firefighter, or
 2322 other specified officers, as defined in s. 784.07(2)(a).
- 2323 7. Open carrying of a weapon, as defined in s. 790.053.
- 2324 8. Exposure of sexual organs, as defined in s. 800.03.

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2325 9. Unlawful possession of a firearm, as defined in s.
2326 790.22(5).

2327 10. Petit theft, as defined in s. 812.014.

2328 11. Cruelty to animals, as defined in s. 828.12(1).

2329 12. Arson, resulting in bodily harm to a firefighter, as
2330 defined in s. 806.031(1).

2331 13. Unlawful possession or discharge of a weapon or
2332 firearm at a school-sponsored event or on school property as
2333 defined in s. 790.115.

2334

2335 A law enforcement agency may fingerprint and photograph a child
2336 taken into custody upon probable cause that such child has
2337 committed any other violation of law, as the agency deems
2338 appropriate. Such fingerprint records and photographs shall be
2339 retained by the law enforcement agency in a separate file, and
2340 these records and all copies thereof must be marked "Juvenile
2341 Confidential." These records are not available for public
2342 disclosure and inspection under s. 119.07(1) except as provided
2343 in ss. 943.053 and 985.04(2), but shall be available to other
2344 law enforcement agencies, criminal justice agencies, state
2345 attorneys, the courts, the child, the parents or legal
2346 custodians of the child, their attorneys, and any other person
2347 authorized by the court to have access to such records. In
2348 addition, such records may be submitted to the Department of Law
2349 Enforcement for inclusion in the state criminal history records
2350 and used by criminal justice agencies for criminal justice
2351 purposes. These records may, in the discretion of the court, be
2352 open to inspection by anyone upon a showing of cause. The

2353 fingerprint and photograph records shall be produced in the
 2354 court whenever directed by the court. Any photograph taken
 2355 pursuant to this section may be shown by a law enforcement
 2356 officer to any victim or witness of a crime for the purpose of
 2357 identifying the person who committed such crime.

2358 Section 62. Paragraphs (c) and (e) of subsection (3) of
 2359 section 985.644, Florida Statutes, are amended to read:

2360 985.644 Departmental contracting powers; personnel
 2361 standards and screening.—

2362 (3)

2363 (c) All fingerprint information electronically submitted
 2364 to the Department of Law Enforcement under paragraph (b) shall
 2365 be retained by the Department of Law Enforcement and entered
 2366 into the statewide automated biometric fingerprint
 2367 identification system authorized by s. 943.05(2)(b). Thereafter,
 2368 such fingerprint information shall be available for all purposes
 2369 and uses authorized for arrest fingerprint information entered
 2370 into the statewide automated biometric fingerprint
 2371 identification system pursuant to s. 943.051 until the
 2372 fingerprint information is removed pursuant to paragraph (e).
 2373 The Department of Law Enforcement shall search all arrest
 2374 fingerprint information received pursuant to s. 943.051 against
 2375 the fingerprint information entered into the statewide automated
 2376 biometric identification fingerprint system pursuant to this
 2377 subsection. Any arrest records identified as a result of the
 2378 search shall be reported to the department in the manner and
 2379 timeframe established by the Department of Law Enforcement by
 2380 rule.

2381 (e) The department shall notify the Department of Law
 2382 Enforcement when a person whose fingerprint information is
 2383 retained by the Department of Law Enforcement under this
 2384 subsection is no longer employed by the department, or by a
 2385 provider under contract with the department, in a delinquency
 2386 facility, service, or program. This notice shall be provided by
 2387 the department to the Department of Law Enforcement within 6
 2388 months after the date of the change in the person's employment
 2389 status. Fingerprint information for persons identified by the
 2390 department in the notice shall be removed from the statewide
 2391 automated biometric identification ~~fingerprint~~ system.

2392 Section 63. Subsection (3) of section 985.4815, Florida
 2393 Statutes, is amended to read:

2394 985.4815 Notification to Department of Law Enforcement of
 2395 information on juvenile sexual offenders.—

2396 (3) If a sexual offender is not sentenced to a term of
 2397 residential commitment, the clerk of the court shall ensure that
 2398 the sexual offender's fingerprints are taken and forwarded to
 2399 the Department of Law Enforcement within 48 hours after the
 2400 court sentences the offender. The fingerprints ~~fingerprint card~~
 2401 shall be clearly marked "Sexual Offender Registration ~~Card.~~"

2402 Section 64. Paragraph (b) of subsection (6) of section
 2403 1002.395, Florida Statutes, is amended to read:

2404 1002.395 Florida Tax Credit Scholarship Program.—

2405 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 2406 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 2407 organization:

2408 (b) Must comply with the following background check

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2409 requirements:

2410 1. All owners and operators as defined in subparagraph
2411 (2) (h)1. are, upon employment or engagement to provide services,
2412 subject to level 2 background screening as provided under
2413 chapter 435. The fingerprints for the background screening must
2414 be electronically submitted to the Department of Law Enforcement
2415 and can be taken by an authorized law enforcement agency or by
2416 an employee of the eligible nonprofit scholarship-funding
2417 organization or a private company who is trained to take
2418 fingerprints. However, the complete set of fingerprints of an
2419 owner or operator may not be taken by the owner or operator. The
2420 results of the state and national criminal history check shall
2421 be provided to the Department of Education for screening under
2422 chapter 435. The cost of the background screening may be borne
2423 by the eligible nonprofit scholarship-funding organization or
2424 the owner or operator.

2425 2. Every 5 years following employment or engagement to
2426 provide services or association with an eligible nonprofit
2427 scholarship-funding organization, each owner or operator must
2428 meet level 2 screening standards as described in s. 435.04, at
2429 which time the nonprofit scholarship-funding organization shall
2430 request the Department of Law Enforcement to forward the
2431 fingerprints to the Federal Bureau of Investigation for level 2
2432 screening. If the fingerprints of an owner or operator are not
2433 retained by the Department of Law Enforcement under subparagraph
2434 3., the owner or operator must electronically file a complete
2435 set of fingerprints with the Department of Law Enforcement. Upon
2436 submission of fingerprints for this purpose, the eligible

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2437 nonprofit scholarship-funding organization shall request that
2438 the Department of Law Enforcement forward the fingerprints to
2439 the Federal Bureau of Investigation for level 2 screening, and
2440 the fingerprints shall be retained by the Department of Law
2441 Enforcement under subparagraph 3.

2442 3. ~~Beginning July 1, 2007,~~ All fingerprints submitted to
2443 the Department of Law Enforcement as required by this paragraph
2444 must be retained by the Department of Law Enforcement in a
2445 manner approved by rule and entered in the statewide automated
2446 biometric fingerprint identification system authorized by s.
2447 943.05(2)(b). The fingerprints must thereafter be available for
2448 all purposes and uses authorized for arrest fingerprints
2449 ~~fingerprint cards~~ entered in the statewide automated biometric
2450 ~~fingerprint~~ identification system pursuant to s. 943.051.

2451 4. ~~Beginning July 1, 2007,~~ The Department of Law
2452 Enforcement shall search all arrest fingerprints ~~fingerprint~~
2453 ~~cards~~ received under s. 943.051 against the fingerprints
2454 retained in the statewide automated biometric fingerprint
2455 identification system under subparagraph 3. Any arrest record
2456 that is identified with an owner's or operator's fingerprints
2457 must be reported to the Department of Education. The Department
2458 of Education shall participate in this search process by paying
2459 an annual fee to the Department of Law Enforcement and by
2460 informing the Department of Law Enforcement of any change in the
2461 employment, engagement, or association status of the owners or
2462 operators whose fingerprints are retained under subparagraph 3.
2463 The Department of Law Enforcement shall adopt a rule setting the
2464 amount of the annual fee to be imposed upon the Department of

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2465 Education for performing these services and establishing the
2466 procedures for the retention of owner and operator fingerprints
2467 and the dissemination of search results. The fee may be borne by
2468 the owner or operator of the nonprofit scholarship-funding
2469 organization.

2470 5. A nonprofit scholarship-funding organization whose
2471 owner or operator fails the level 2 background screening shall
2472 not be eligible to provide scholarships under this section.

2473 6. A nonprofit scholarship-funding organization whose
2474 owner or operator in the last 7 years has filed for personal
2475 bankruptcy or corporate bankruptcy in a corporation of which he
2476 or she owned more than 20 percent shall not be eligible to
2477 provide scholarships under this section.

2478

2479 Any and all information and documentation provided to the
2480 Department of Education and the Auditor General relating to the
2481 identity of a taxpayer that provides an eligible contribution
2482 under this section shall remain confidential at all times in
2483 accordance with s. 213.053.

2484 Section 65. Paragraphs (a) and (b) of subsection (3) of
2485 section 1002.421, Florida Statutes, are amended to read:

2486 1002.421 Accountability of private schools participating
2487 in state school choice scholarship programs.—

2488 (3) (a) ~~Beginning July 1, 2007,~~ All fingerprints submitted
2489 to the Department of Law Enforcement as required by this section
2490 shall be retained by the Department of Law Enforcement in a
2491 manner provided by rule and entered in the statewide automated
2492 biometric fingerprint identification system authorized by s.

2493 943.05(2)(b). Such fingerprints shall thereafter be available
 2494 for all purposes and uses authorized for arrest fingerprints
 2495 ~~fingerprints cards~~ entered in the statewide automated biometric
 2496 ~~fingerprints~~ identification system pursuant to s. 943.051.

2497 (b) ~~Beginning July 1, 2007,~~ The Department of Law
 2498 Enforcement shall search all arrest fingerprints ~~fingerprints~~
 2499 ~~cards~~ received under s. 943.051 against the fingerprints
 2500 retained in the statewide automated biometric ~~fingerprints~~
 2501 identification system under paragraph (a). Any arrest record
 2502 that is identified with the retained fingerprints of a person
 2503 subject to the background screening under this section shall be
 2504 reported to the employing school with which the person is
 2505 affiliated. Each private school participating in a scholarship
 2506 program is required to participate in this search process by
 2507 informing the Department of Law Enforcement of any change in the
 2508 employment or contractual status of its personnel whose
 2509 fingerprints are retained under paragraph (a). The Department of
 2510 Law Enforcement shall adopt a rule setting the amount of the
 2511 annual fee to be imposed upon each private school for performing
 2512 these searches and establishing the procedures for the retention
 2513 of private school employee and contracted personnel fingerprints
 2514 and the dissemination of search results. The fee may be borne by
 2515 the private school or the person fingerprinted.

2516 Section 66. Paragraphs (a) and (b) of subsection (3) of
 2517 section 1012.32, Florida Statutes, are amended to read:

2518 1012.32 Qualifications of personnel.—

2519 (3)(a) ~~Beginning July 1, 2004,~~ All fingerprints submitted
 2520 to the Department of Law Enforcement as required by subsection

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2521 (2) shall be retained by the Department of Law Enforcement in a
2522 manner provided by rule and entered in the statewide automated
2523 biometric fingerprint identification system authorized by s.
2524 943.05(2) (b). Such fingerprints shall thereafter be available
2525 for all purposes and uses authorized for arrest fingerprints
2526 ~~fingerprint cards~~ entered in the statewide automated biometric
2527 ~~fingerprint~~ identification system pursuant to s. 943.051.

2528 (b) ~~Beginning December 15, 2004,~~ The Department of Law
2529 Enforcement shall search all arrest fingerprints ~~fingerprint~~
2530 ~~eards~~ received under s. 943.051 against the fingerprints
2531 retained in the statewide automated biometric fingerprint
2532 identification system under paragraph (a). Any arrest record
2533 that is identified with the retained fingerprints of a person
2534 subject to the background screening under this section shall be
2535 reported to the employing or contracting school district or the
2536 school district with which the person is affiliated. Each school
2537 district is required to participate in this search process by
2538 payment of an annual fee to the Department of Law Enforcement
2539 and by informing the Department of Law Enforcement of any change
2540 in the affiliation, employment, or contractual status or place
2541 of affiliation, employment, or contracting of its instructional
2542 and noninstructional personnel whose fingerprints are retained
2543 under paragraph (a). The Department of Law Enforcement shall
2544 adopt a rule setting the amount of the annual fee to be imposed
2545 upon each school district for performing these searches and
2546 establishing the procedures for the retention of instructional
2547 and noninstructional personnel fingerprints and the
2548 dissemination of search results. The fee may be borne by the

2549 | district school board, the contractor, or the person
 2550 | fingerprinted.

2551 | Section 67. Paragraphs (b), (c), and (e) of subsection (2)
 2552 | of section 1012.467, Florida Statutes, are amended to read:

2553 | 1012.467 Noninstructional contractors who are permitted
 2554 | access to school grounds when students are present; background
 2555 | screening requirements.-

2556 | (2)

2557 | (b) As authorized by law, the Department of Law
 2558 | Enforcement shall retain the fingerprints submitted by the
 2559 | school districts pursuant to this subsection to the Department
 2560 | of Law Enforcement for a criminal history background screening
 2561 | in a manner provided by rule and enter the fingerprints in the
 2562 | statewide automated biometric fingerprint identification system
 2563 | authorized by s. 943.05(2)(b). The fingerprints shall thereafter
 2564 | be available for all purposes and uses authorized for arrest
 2565 | fingerprints ~~fingerprint cards~~ entered into the statewide
 2566 | automated biometric fingerprint identification system under s.
 2567 | 943.051.

2568 | (c) As authorized by law, the Department of Law
 2569 | Enforcement shall search all arrest fingerprints ~~fingerprint~~
 2570 | ~~cards~~ received under s. 943.051 against the fingerprints
 2571 | retained in the statewide automated biometric fingerprint
 2572 | identification system under paragraph (b).

2573 | (e) A fingerprint retained pursuant to this subsection
 2574 | shall be purged from the automated biometric fingerprint
 2575 | identification system 5 years following the date the fingerprint
 2576 | was initially submitted. The Department of Law Enforcement shall

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2577 | set the amount of the annual fee to be imposed upon each
2578 | participating agency for performing these searches and
2579 | establishing the procedures for retaining fingerprints and
2580 | disseminating search results. The fee may be borne as provided
2581 | by law. Fees may be waived or reduced by the executive director
2582 | of the Department of Law Enforcement for good cause shown.

2583 | Section 68. This act shall take effect July 1, 2013.