

CHAPTER 2013-116

Committee Substitute for House Bill No. 585

An act relating to law enforcement; amending ss. 125.5801 and 166.0442, F.S.; revising provisions for criminal history record checks for certain county and municipal employees and appointees; amending s. 406.145, F.S.; deleting duties of law enforcement agencies and the department relating to unidentified person reporting forms; amending s. 538.26, F.S.; limiting the number of lead-acid batteries or parts thereof that a secondary metals recycler may purchase in certain transactions in a single day; amending s. 937.021, F.S.; revising provisions relating to missing child and adult reports; amending s. 937.024, F.S.; revising provisions relating to the birth records of missing children; amending s. 937.025, F.S.; revising provisions providing criminal penalties for persons who knowingly provide false information concerning a missing child; amending s. 937.028, F.S.; revising provisions relating to fingerprints of missing persons; authorizing retention of such fingerprints entered into the statewide biometric identification system; amending s. 943.03, F.S.; revising terminology relating to documents and information systems; deleting an obsolete provision; amending s. 943.031, F.S.; correcting a reference; revising provisions relating to meetings of the Florida Violent Crime and Drug Control Council, the Drug Control Strategy and Criminal Gang Committee, and the Victim and Witness Protection Review Committee; making specified provisions subject to legislative funding; providing for return of unexpended funds by specified recipients; amending s. 943.0435, F.S.; specifying additional items to be reported by persons required to register as sexual offenders; amending s. 943.04351, F.S.; revising requirements for searches of registration information regarding sexual predators and sexual offenders; amending s. 943.0438, F.S.; deleting an obsolete provision; amending s. 943.045, F.S.; defining the term "biometric"; revising the definition of the term "criminal justice information"; amending s. 943.05, F.S.; revising duties of the Criminal Justice Information Program; redesignating the statewide automated fingerprint identification system as the statewide automated biometric identification system; amending s. 943.051, F.S.; requiring additional information to be collected from persons charged with or convicted of specified offenses and submitted electronically to the department; providing an exception to the fingerprinting of certain juveniles; amending s. 943.052, F.S.; revising terminology relating to disposition reporting; revising information to be submitted concerning persons received by or discharged from the state correctional system or certain juveniles committed to the Department of Juvenile Justice; amending s. 943.053, F.S.; revising a reference to rules governing criminal justice information received from the Federal Government or other states; conforming terminology; amending s. 943.054, F.S.; revising provisions relating to the availability of criminal history information derived from any United States Department of Justice criminal justice information system; amending s. 943.0542, F.S.; revising terminology relating to

requests for screening; authorizing rulemaking relating to payments for screening; amending s. 943.0544, F.S.; revising terminology relating to the Criminal Justice Network; amending s. 943.055, F.S.; revising provisions relating to dissemination of criminal justice information derived from department information systems; providing for audits of noncriminal justice agencies when necessary to ensure compliance with requirements; amending s. 943.056, F.S.; providing for requests for corrections of federal criminal history record information in certain circumstances; amending s. 943.0582, F.S.; increasing the period in which a minor may seek expunction of a nonjudicial arrest record following completion of a diversion program; revising language relating to a statement to the department by a state attorney concerning such an expunction request; deleting an obsolete provision; amending ss. 943.0585 and 943.059, F.S.; revising language relating to expunctions and sealing precluded by prior criminal history sealings or expunctions; authorizing persons seeking authorization for employment with or access to certain seaports to deny or fail to acknowledge certain expunged or sealed records; amending s. 943.125, F.S.; providing for accreditation of correctional facilities, public agency offices of inspectors general, and certain pretrial diversion programs; authorizing funding and support of additional accreditation programs; amending s. 943.13, F.S.; deleting a provision authorizing temporary employment of a person seeking employment as a law enforcement or correctional officer if there is an administrative delay in fingerprint processing; deleting obsolete language; amending s. 943.132, F.S.; revising references to federal qualified active or qualified retired law enforcement concealed firearms provisions; deleting a requirement that the Criminal Justice Standards and Training Commission develop a uniform firearms proficiency verification card; amending s. 943.1395, F.S.; revising language relating to investigations on behalf of the Criminal Justice Standards and Training Commission; amending s. 943.1755, F.S.; providing that the department maintains responsibility for delivering and facilitating all Florida Criminal Justice Executive Institute training; revising membership of the institute's policy board; amending s. 943.1757, F.S.; deleting a requirement for a periodic report by the Criminal Justice Executive Institute concerning executive training needs; amending s. 943.25, F.S.; authorizing, rather than requiring, the Criminal Justice Standards and Training Commission to forward to each regional training council a list of its specific recommended priority issues or items to be funded; authorizing the commission to use computer-based testing as an assessment instrument; amending s. 943.325, F.S.; conforming a cross-reference; amending s. 943.33, F.S.; revising provisions relating to the availability to defendants of state-operated criminal analysis laboratories; specifying that defense experts and others are not authorized to be present in such laboratories or use laboratory equipment; revising provisions relating to costs of laboratory testing performed for defendants; amending s. 943.68, F.S.; revising the due date of a report detailing transportation and protective services provided by the department; amending ss. 285.18, 414.40, 447.045, 455.213, 468.453, 475.615, 493.6105, 493.6108, 494.00312, 494.00321, 494.00611, 517.12, 538.09, 538.25, 548.024,

550.105, 550.908, 551.107, 560.141, 628.906, 633.34, 744.3135, 775.21, 775.261, 790.06, 944.607, 944.608, 985.11, 985.644, 985.4815, 1002.395, 1002.421, 1012.32, and 1012.467, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The ordinance must require each person applying for, or continuing employment or appointment in, any such position, applying for initial or continuing licensing or regulation, or having such contact or access to any such facility to be fingerprinted. The fingerprints shall be submitted to the Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The information obtained from the criminal history record checks conducted pursuant to the ordinance may be used by the municipality to determine a person's ~~an applicant's~~ eligibility for such employment or appointment and to determine a person's ~~an employee's~~ eligibility for continued employment or appointment. This section is not intended to preempt or prevent any other background screening, including, but not limited to, criminal history background checks, that a municipality may lawfully undertake.

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

406.145 Unidentified persons; reporting requirements.—When an unidentified body is transported to a district medical examiner pursuant to this chapter, the medical examiner shall immediately report receipt of such body to the appropriate law enforcement agency, provided such law enforcement agency was not responsible for transportation of the body to the medical examiner. If the medical examiner cannot determine the law enforcement agency having jurisdiction, he or she shall notify the sheriff of the county in which the medical examiner is located, who shall determine the law enforcement agency responsible for the identification. It is the duty of the law enforcement officer assigned to and investigating the death to immediately establish the identity of the body. If the body is not immediately identified, the law enforcement agency responsible for investigating the death shall complete an Unidentified Person Report and enter the data concerning the body, through the Florida Crime Information Center, into the Unidentified Person File of the National Crime Information Center. ~~An~~

~~Unidentified Person Report is that form identified by the Florida Department of Law Enforcement for use by law enforcement agencies in compiling information for entrance into the Unidentified Person File.~~

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

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

(5)

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

1. A manhole cover.
2. An electric light pole or other utility structure and its fixtures, wires, and hardware that are readily identifiable as connected to the utility structure.
3. A guard rail.
4. A street sign, traffic sign, or traffic signal and its fixtures and hardware.
5. Communication, transmission, distribution, and service wire from a utility, including copper or aluminum bus bars, connectors, grounding plates, or grounding wire.
6. A funeral marker or funeral vase.
7. A historical marker.
8. Railroad equipment, including, but not limited to, a tie plate, signal house, control box, switch plate, E clip, or rail tie junction.
9. Any metal item that is observably marked upon reasonable inspection with any form of the name, initials, or logo of a governmental entity, utility company, cemetery, or railroad.
10. A copper, aluminum, or aluminum-copper condensing or evaporator coil, including its tubing or rods, from an air-conditioning or heating unit, excluding coils from window air-conditioning or heating units and motor vehicle air-conditioning or heating units.
11. An aluminum or stainless steel container or bottle designed to hold propane for fueling forklifts.
12. A stainless steel beer keg.

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

14. Metallic wire that has been burned in whole or in part to remove insulation.

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

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

17. A shopping cart.

18. A brass water meter.

19. A storm grate.

20. A brass sprinkler head used in commercial agriculture.

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

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

937.021 Missing child and missing adult reports.—

(5)

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

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

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

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

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

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

(1) The Office of Vital Statistics shall:

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

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

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

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

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

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

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

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

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

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

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

943.03 Department of Law Enforcement.—

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

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

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

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

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

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

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

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

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

943.031 Florida Violent Crime and Drug Control Council.—

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

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

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

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

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

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

- 1. Establishing a program that provides grants to criminal justice agencies that develop and implement effective violent crime prevention and investigative programs and which provides grants to law enforcement agencies for the purpose of drug control, criminal gang, and illicit money

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

- a. Providing enhanced community-oriented policing.
 - b. Providing additional undercover officers and other investigative officers to assist with violent crime investigations in emergency situations.
 - c. Providing funding for multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that cannot be reasonably funded completely by alternative sources and that significantly contribute to achieving the state's goal of reducing drug-related crime, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333.
2. Expanding the use of automated biometric fingerprint identification systems at the state and local levels level.
 3. Identifying methods to prevent violent crime.
 4. Identifying methods to enhance multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333.
 5. Enhancing criminal justice training programs that address violent crime, drug control, illicit money laundering investigative techniques, or efforts to control and eliminate criminal gangs.
 6. Developing and promoting crime prevention services and educational programs that serve the public, including, but not limited to:
 - a. Enhanced victim and witness counseling services that also provide crisis intervention, information referral, transportation, and emergency financial assistance.

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

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

(b) The full council shall:

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

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

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

1. Involves multiple law enforcement agencies.

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

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

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

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

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

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

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

(8) VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.—

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

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

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

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

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

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

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

(2) A sexual offender shall:

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

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

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department through the sheriff's office the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the sheriff's office,

within 48 hours after any change in status. The sheriff shall promptly notify each institution of the sexual offender's presence and any change in the sexual offender's enrollment or employment status.

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

(4)

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

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

943.04351 Search of registration information regarding sexual predators and sexual offenders required before ~~prior to~~ appointment or employment. A state agency or governmental subdivision, before ~~prior to~~ making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, must conduct a search of that person's name or other identifying information against the registration information regarding sexual predators and sexual offenders through the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice. If for any reason that site is not available, a search of the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043 shall be performed. ~~The agency or governmental subdivision may conduct the search using the Internet site maintained by the Department of Law Enforcement.~~ This section does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted.

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

943.0438 Athletic coaches for independent sanctioning authorities.—

(2) An independent sanctioning authority shall:

(a)1. Conduct a background screening of each current and prospective athletic coach. No person shall be authorized by the independent sanctioning authority to act as an athletic coach ~~after July 1, 2010~~, unless a background screening has been conducted and did not result in disqualification under paragraph (b). Background screenings shall be conducted annually for each

athletic coach. For purposes of this section, a background screening shall be conducted with a search of the athletic coach's name or other identifying information against state and federal registries of sexual predators and sexual offenders, which are available to the public on Internet sites provided by:

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

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

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

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

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

(2) “Administration of criminal justice” means performing functions of detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders by governmental agencies. The administration of criminal justice includes criminal identification activities and the collection, processing, storage, and dissemination of criminal justice information by governmental agencies.

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

(4)(8) “Comparable ordinance violation” means a violation of an ordinance having all the essential elements of a statutory misdemeanor or felony.

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

(6)(18) “Criminal history record” means any nonjudicial record maintained by a criminal justice agency containing criminal history information.

(7)(5) “Criminal intelligence information” means information collected by a criminal justice agency with respect to an identifiable person or group in an effort to anticipate, prevent, or monitor possible criminal activity.

(8)(16) “Criminal intelligence information system” means a system, including the equipment, facilities, procedures, agreements ~~agreement~~, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal intelligence information.

(9)(6) “Criminal investigative information” means information about an identifiable person or group, compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific criminal act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators, informants, or any type of surveillance.

(10)(17) “Criminal investigative information system” means a system, including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal investigative information.

(11)(10) “Criminal justice agency” means:

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

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

(13)(4) “Criminal justice information system” means a system, including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal justice information.

(14)(9) “Disposition” means details relating to the termination of an individual criminal defendant’s relationship with a criminal justice agency, including information disclosing that the law enforcement agency has elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings, that a court has dealt with the individual, or that the individual has been incarcerated, paroled, pardoned, released, or granted clemency. Dispositions include, but are not limited to, acquittals, dismissals, pleas, convictions, adjudications, youthful offender determinations, determinations of mental capacity, placements in intervention programs, pardons, probations, paroles, and releases from correctional institutions.

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

(16)(13) “Expunction of a criminal history record” means the court-ordered physical destruction or obliteration of a record or portion of a record by any criminal justice agency having custody thereof, or as prescribed by the court issuing the order, except that criminal history records in the custody of the department must be retained in all cases for purposes of evaluating subsequent requests by the subject of the record for sealing or expunction, or for purposes of recreating the record in the event an order to expunge is vacated by a court of competent jurisdiction.

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

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

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

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

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

(2) The program shall:

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

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

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

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

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

(d) Adopt rules to effectively and efficiently implement, administer, manage, maintain, and use the automated biometric fingerprint identification system and uniform offense reports and arrest reports. The rules shall be considered minimum requirements and shall not preclude a criminal justice agency from implementing its own enhancements. However, rules and forms prescribing uniform arrest or probable cause affidavits and alcohol influence reports to be used by all law enforcement agencies in making DUI arrests under s. 316.193 shall be adopted, ~~and shall be used by all law enforcement agencies in this state. The rules and forms prescribing such uniform affidavits and reports shall be adopted and implemented by July 1, 2004.~~ Failure to use these uniform affidavits and reports, however, shall not prohibit prosecution under s. 316.193.

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

(g) Upon official written request, and subject to the department having sufficient funds and equipment to participate in such a request, from the agency executive director or secretary or from his or her designee, or from qualified entities participating in the volunteer and employee criminal

history screening system under s. 943.0542, or as otherwise required by law, retain fingerprints submitted by criminal and noncriminal justice agencies to the department for a criminal history background screening as provided by rule and enter the fingerprints in the statewide automated biometric fingerprint identification system authorized by paragraph (b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint submissions entered into the statewide automated biometric fingerprint identification system pursuant to s. 943.051.

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

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

2. To participate in this search process, agencies or qualified entities must notify each person fingerprinted that his or her fingerprints will be retained, pay an annual fee to the department unless otherwise provided by law, and inform the department of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained under paragraph (g) if such change removes or eliminates the agency or qualified entity's basis or need for receiving reports of any arrest of that person, so that the agency or qualified entity is not obligated to pay the upcoming annual fee for the retention and searching of that person's fingerprints to the department. The department shall adopt a rule setting the amount of the annual fee to be imposed upon each participating agency or qualified entity for performing these searches and establishing the procedures for the retention of fingerprints and the dissemination of search results. The fee may be borne by the agency, qualified entity, or person subject to fingerprint retention or as otherwise provided by law. Consistent with the recognition of criminal justice agencies expressed in s. 943.053(3), these services shall be provided to criminal justice agencies for criminal justice purposes free of charge. Qualified entities that elect to participate in the fingerprint retention and search process are required to timely remit the fee to the department by a payment mechanism approved by the department. If requested by the qualified entity, and with the approval of the department, such fees may be timely remitted to the department by a qualified entity upon receipt of an invoice for such fees from the department. Failure of a qualified entity to pay the amount due on a timely basis or as invoiced by the department may result in the refusal by the department to permit the qualified entity to continue to participate in the fingerprint retention and search process until all fees due and owing are paid.

3. Agencies that participate in the fingerprint retention and search process may adopt rules pursuant to ss. 120.536(1) and 120.54 to require employers to keep the agency informed of any change in the affiliation,

employment, or contractual status of each person whose fingerprints are retained under paragraph (g) if such change removes or eliminates the agency's basis or need for receiving reports of any arrest of that person, so that the agency is not obligated to pay the upcoming annual fee for the retention and searching of that person's fingerprints to the department.

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

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

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

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

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

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

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

1. Assault, as defined in s. 784.011.
2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(1).
4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).
5. Neglect ~~Negligent treatment of a child~~ children, as defined in s. 827.03(1)(e) ~~former s. 827.05~~.
6. Assault or battery on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a) and (b).
7. Open carrying of a weapon, as defined in s. 790.053.
8. Exposure of sexual organs, as defined in s. 800.03.
9. Unlawful possession of a firearm, as defined in s. 790.22(5).
10. Petit theft, as defined in s. 812.014(3).
11. Cruelty to animals, as defined in s. 828.12(1).
12. Arson, as defined in s. 806.031(1).
13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as provided ~~defined~~ in s. 790.115.

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

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

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

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

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

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

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

943.053 Dissemination of criminal justice information; fees.—

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

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

(11) A criminal justice agency that is authorized under federal rules or law to conduct a criminal history background check on an agency employee who is not certified by the Criminal Justice Standards and Training Commission under s. 943.12 may submit to the department the fingerprints of the noncertified employee to obtain state and national criminal history information. The fingerprints shall be retained and entered in the statewide automated biometric fingerprint identification system authorized by s. 943.05 and shall be available for all purposes and uses authorized for arrest fingerprint submissions entered in the statewide automated biometric fingerprint identification system pursuant to s. 943.051. The department shall search all arrest fingerprint submissions received pursuant to s. 943.051 against the fingerprints retained in the statewide automated biometric fingerprint identification system pursuant to this section. In addition to all purposes and uses authorized for arrest fingerprint submissions for which submitted fingerprints may be used, any arrest record that is identified with the retained employee fingerprints must be reported to the submitting employing agency.

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

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

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

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

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

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

943.054 Exchange of federal criminal history records and information.

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

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

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

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

(2)

(b) A qualified entity shall submit to the department a request for screening an employee or volunteer or person applying to be an employee or volunteer by submitting fingerprints on a completed fingerprint card, or the

request may be submitted electronically. The qualified entity must maintain a signed waiver allowing the release of the state and national criminal history record information to the qualified entity.

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

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

943.0544 Criminal justice information network and information management.—

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

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

943.055 Records and audit.—

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

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

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

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

(2) Criminal justice agencies subject to chapter 120 shall be subject to hearings regarding those portions of criminal history records for which the agency served as originator. When it is determined what the record should

contain in order to be complete and accurate, the Criminal Justice Information Program shall be advised and shall conform state and federal records to the corrected criminal history record information and shall request that the federal records be corrected.

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

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

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

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

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

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

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

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

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

complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in s. 907.041, or any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, without regard to whether that offense alone is sufficient to require such registration, or for registration as a sexual offender pursuant to s. 943.0435, may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

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

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

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

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

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

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

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

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

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

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

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny

or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.059;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and ~~Families~~ Family Services, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly; or
6. Is seeking to be employed or licensed by the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school, or any local governmental entity that licenses child care facilities; ~~or~~
- ~~7. Is seeking authorization from a seaport listed in s. 311.09 for employment within or access to one or more of such seaports pursuant to s. 311.12.~~

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

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

or for registration as a sexual offender pursuant to s. 943.0435, may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

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

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

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

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

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

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

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

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

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

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

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

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and ~~Families~~ Family Services, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the

Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Have documentation of his or her processed fingerprints on file with the employing agency or, if a private correctional officer, have documentation of his or her processed fingerprints on file with the Department of Corrections or the Criminal Justice Standards and Training Commission. ~~If administrative delays are caused by the department or the Federal Bureau of Investigation and the person has complied with subsections (1)-(4) and (6)-(9), he or she may be employed or appointed for a period not to exceed 1 calendar year from the date he or she was employed or appointed or until return of the processed fingerprints documenting noncompliance with subsections (1)-(4) or subsection (7), whichever occurs first. Beginning January 15, 2007, The department shall retain and enter into the statewide automated biometric fingerprint identification system authorized by s. 943.05 all fingerprints submitted to the department as required by this section. Thereafter, the fingerprints shall be available for all purposes and uses authorized for arrest fingerprints fingerprint cards entered in the statewide automated biometric fingerprint identification system pursuant to s. 943.051. The department shall search all arrest fingerprints fingerprint cards received pursuant to s. 943.051 against the fingerprints retained in the statewide automated biometric fingerprint identification system pursuant to this section and report to the employing agency any arrest records that are identified with the retained employee's fingerprints. By January 1, 2008, a person who must meet minimum qualifications as provided in this section and whose fingerprints are not retained by the department pursuant to this section must be refingerprinted. These fingerprints must be forwarded to the department for processing and retention.~~

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

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

(1) The commission shall by rule establish the manner in which Title 18, 44 U.S.C. ss. 926B and 926C, ~~the federal Law Enforcement Officers Safety Act of 2004,~~ relating to the carrying of concealed firearms by qualified law enforcement officers and qualified retired law enforcement officers, as defined in the act, shall be implemented in the state. In order to facilitate

the implementation within the state of Title 18, 44 U.S.C. ss. 926B and 926C, the commission shall ~~develop and~~ authorize a uniform firearms proficiency verification card to be issued to persons who achieve a passing score on the firing range testing component as used ~~utilized~~ in the minimum firearms proficiency course applicable to active law enforcement officers, indicating the person's name and the date upon which he or she achieved the passing score. Each such card shall be issued only by firearms instructors with current certifications from ~~certified by~~ the commission.

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

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

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

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

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

943.1755 Florida Criminal Justice Executive Institute.—

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

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

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

- 1. The executive director of the Department of Law Enforcement or a designee.
 - 2. The Secretary of Corrections or a designee.
 - 3. The Commissioner of Education or a designee ~~an employee of the Department of Education designated by the Commissioner.~~
 - 4. The Secretary of Juvenile Justice or a designee.
- (6) Seven ~~Six~~ members constitute a quorum of the board.

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

943.1757 Criminal justice executives; training; policy report.—

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

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

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

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

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

(9) Up to \$250,000 per annum from the Criminal Justice Standards and Training Trust Fund may be used to develop, validate, update, and maintain test or assessment instruments, including computer-based testing, relating

to selection, employment, training, or evaluation of officers, instructors, or courses. Pursuant to s. 943.12(4), (5), and (8), the commission shall adopt those test or assessment instruments which are appropriate and job-related as minimum requirements.

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

943.325 DNA database.—

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

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

943.33 State-operated criminal analysis laboratories.—

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

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

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

(4) The court shall assess the costs of all testing, equipment operation, and personnel and any other costs directly attributable to the court-ordered testing such service ordered by the court to the defendant or the defendant’s

counsel, whether public, private, or pro bono, who obtained the testing order local public defender's office. The laboratory providing the service ordered shall include with the report of the analysis, comparison, or identification a statement of the costs of the service provided and shall provide a copy of all reports and analysis performed and cost statement being provided to the prosecutor in the case and the court.

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

943.68 Transportation and protective services.—

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

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

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

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

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

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

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

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

With regard to those investigations authorized in paragraphs (a), (c), and (d), each such individual shall file a complete set of his or her fingerprints that have been taken by an authorized law enforcement officer, which set of

fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. The cost of processing shall be borne by the applicant.

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

414.40 Stop Inmate Fraud Program established; guidelines.—

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

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

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

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

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

455.213 General licensing provisions.—

(10) For any profession requiring fingerprints as part of the registration, certification, or licensure process or for any profession requiring a criminal history record check to determine good moral character, ~~a fingerprint card containing the fingerprints of the applicant must accompany all applications for registration, certification, or licensure. The fingerprints fingerprint card shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprint card to determine whether if the applicant has a criminal history record. The fingerprints fingerprint card shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprint card to determine whether if the applicant has a criminal history record. The information obtained by the processing of the fingerprints fingerprint card by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department to determine whether for the purpose of determining if the applicant is statutorily qualified for registration, certification, or licensure.~~

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

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

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

(d) Has submitted to the department fingerprints ~~a fingerprint card~~ for a criminal history records check. The fingerprints ~~fingerprint card~~ shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for ~~purposes of~~ processing the ~~fingerprint card~~ to determine whether if the applicant has a criminal history record. The fingerprints ~~fingerprint card~~ shall also be forwarded to the Federal Bureau of Investigation for ~~purposes of~~ processing the ~~fingerprint card~~ to determine whether if the applicant has a criminal history record. The information obtained by the processing of the fingerprints ~~fingerprint card~~ by the Florida Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department to determine whether ~~for the purpose of determining~~ if the applicant is statutorily qualified for licensure.

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

475.615 Qualifications for registration or certification.—

(3) Appropriate fees, as set forth in the rules of the board pursuant to s. 475.6147, and a set of fingerprints ~~fingerprint card~~ must accompany all applications for registration or certification. The fingerprints ~~fingerprint card~~ shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for ~~purposes of~~ processing the ~~fingerprint card~~ to determine whether if the applicant has a criminal history record. The fingerprints ~~fingerprint card~~ shall also be forwarded to the Federal Bureau of Investigation for ~~purposes of~~ processing the ~~fingerprint card~~ to determine whether if the applicant has a criminal history record. The information obtained by the processing of the fingerprints ~~fingerprint card~~ by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department to determine whether ~~for the purpose of determining~~ if the applicant is statutorily qualified for registration or certification. Effective July 1, 2006, an applicant must provide fingerprints in electronic format.

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

493.6105 Initial application for license.—

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

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

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

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

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

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

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

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

494.00312 Loan originator license.—

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

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

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

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

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

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

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

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

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

494.00321 Mortgage broker license.—

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

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

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

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

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

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

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

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

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

494.00611 Mortgage lender license.—

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

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

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

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

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

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

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

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

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

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

(7) The application shall also contain such information as the commission or office may require about the applicant; any member, principal, or director of the applicant or any person having a similar status or performing similar

functions; any person directly or indirectly controlling the applicant; or any employee of a dealer or of an investment adviser rendering investment advisory services. Each applicant and any direct owners, principals, or indirect owners that are required to be reported on Form BD or Form ADV pursuant to subsection (15) shall file a complete set of fingerprints. Fingerprints ~~A fingerprint card~~ submitted to the office must be taken by an authorized law enforcement agency or in a manner approved by the commission by rule. The office shall submit the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for federal processing. The cost of the fingerprint processing may be borne by the office, the employer, or the person subject to the background check. The Department of Law Enforcement shall submit an invoice to the office for the fingerprints received each month. The office shall screen the background results to determine whether if the applicant meets licensure requirements. The commission may waive, by rule, the requirement that applicants, including any direct owners, principals, or indirect owners that are required to be reported on Form BD or Form ADV pursuant to subsection (15), file a set of fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation. The commission or office may require information about any such applicant or person concerning such matters as:

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

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

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

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

(10) An applicant for registration shall pay an assessment fee of \$200, in the case of a dealer or investment adviser, or \$50, in the case of an associated person. An associated person may be assessed an additional fee to cover the cost for the fingerprints ~~fingerprint cards~~ to be processed by the office. Such fee shall be determined by rule of the commission. Each dealer and each investment adviser shall pay an assessment fee of \$100 for each office in this state. Such fees become the revenue of the state, except for those assessments provided for under s. 517.131(1) until such time as the Securities Guaranty

Fund satisfies the statutory limits, and are not returnable in the event that registration is withdrawn or not granted.

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

538.09 Registration.—

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

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

538.25 Registration.—

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

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

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

548.024 Background investigation of applicants for licensure.—

(2) If the commission requires a background criminal history investigation of any applicant, it shall require the applicant to submit to the department fingerprints ~~a fingerprint card~~ for this purpose. The fingerprints ~~fingerprints~~ ~~card~~ shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement and the Federal Bureau of Investigation for ~~purposes of processing the fingerprint card to determine whether~~ if the applicant has a criminal history record. The

information obtained by the processing of the fingerprints ~~fingerpr~~int card by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department to determine whether ~~for the purpose of determining~~ if the applicant is statutorily qualified for licensure.

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

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

(10)

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

(c) The Department of Law Enforcement shall search all arrest fingerprints received pursuant to s. 943.051 against the fingerprints retained in the statewide automated biometric ~~fingerpr~~int identification system under paragraph (b). Any arrest record that is identified with the retained fingerprints of a person subject to the criminal history screening requirements of this section shall be reported to the division. Each licensee shall pay a fee to the division for the cost of retention of the fingerprints and the ongoing searches under this paragraph. The division shall forward the payment to the Department of Law Enforcement. The amount of the fee to be imposed for performing these searches and the procedures for the retention of licensee fingerprints shall be as established by rule of the Department of Law Enforcement. The division shall inform the Department of Law Enforcement of any change in the license status of licensees whose fingerprints are retained under paragraph (b).

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

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

(2) Investigate applicants for licensure by the compact committee and, as permitted by federal and state law, gather information on such applicants, including criminal history record information from the Federal Bureau of Investigation and relevant state and local law enforcement agencies, and, where appropriate, from the Royal Canadian Mounted Police and law enforcement agencies of other countries, which is necessary to determine whether a license should be issued under the licensure requirements

established by the committee under subsection (1). The fingerprints of each applicant for licensure by the compact committee shall be taken by the compact committee, its employees, or its designee, and, pursuant to Pub. L. No. 92-544 or Pub. L. No. 100-413, shall be forwarded to a state identification bureau or to the Association of Racing Commissioners International, Inc., for submission to the Federal Bureau of Investigation for a criminal history record check. Such fingerprints may be submitted ~~on a fingerprint card or~~ by electronic or other means authorized by the Federal Bureau of Investigation or other receiving law enforcement agency.

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

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

(7) Fingerprints for all slot machine occupational license applications shall be taken in a manner approved by the division and shall be submitted electronically to the Department of Law Enforcement for state processing and the Federal Bureau of Investigation for national processing for a criminal history record check. All persons as specified in s. 550.1815(1)(a) employed by or working within a licensed premises shall submit fingerprints for a criminal history record check and may not have been convicted of any disqualifying criminal offenses specified in subsection (6). Division employees and law enforcement officers assigned by their employing agencies to work within the premises as part of their official duties are excluded from the criminal history record check requirements under this subsection. For purposes of this subsection, the term “convicted” means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

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

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

Enforcement of any change in the license status of licensees whose fingerprints are retained under paragraph (c).

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

560.141 License application.—

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

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

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

2. A set of fingerprints ~~finger~~ ~~print~~ ~~card~~ for each of the persons listed in subparagraph (a)3. unless the applicant is a publicly traded corporation, or is exempted from this chapter under s. 560.104(1). The fingerprints must be taken by an authorized law enforcement agency. The office shall submit the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for federal processing. The cost of the fingerprint processing may be borne by the office, the employer, or the person subject to the criminal records background check. The office shall screen the background results to determine whether if the applicant meets licensure requirements. As used in this section, the term “publicly traded” means a stock is currently traded on a national securities exchange registered with the federal Securities and Exchange Commission or traded on an exchange in a country other than the United States regulated by a regulator equivalent to the Securities and Exchange Commission and the disclosure and reporting requirements of such regulator are substantially similar to those of the commission.

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

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

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

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

(1) To evidence competence and trustworthiness of its officers and directors, the application for a license to act as a captive insurance company or captive reinsurance company shall include, but not be limited to, background investigations, biographical affidavits, and fingerprints ~~finger~~ ~~print~~ ~~cards~~ for all officers and directors. Fingerprints must be taken by a law enforcement agency or other entity approved by the office, be accompanied by

the fingerprint processing fee specified in s. 624.501, and processed in accordance with s. 624.34.

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

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

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

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

744.3135 Credit and criminal investigation.—

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

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

(a) an electronic fingerprint criminal history record check. A professional guardian may use any electronic fingerprinting equipment used for criminal history record checks. The Statewide Public Guardianship Office shall adopt a rule detailing the acceptable methods for completing an electronic fingerprint criminal history record check under this section. The professional guardian shall pay the actual costs incurred by the Federal Bureau of Investigation and the Department of Law Enforcement for the criminal history record check. The entity completing the record check must immediately send the results of the criminal history record check to the clerk of the court and the Statewide Public Guardianship Office. The clerk of the court

shall maintain the results in the professional guardian's file and shall make the results available to the court; ~~or~~

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

(4)

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

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

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

775.21 The Florida Sexual Predators Act.—

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

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

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

775.261 The Florida Career Offender Registration Act.—

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

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

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

790.06 License to carry concealed weapon or firearm.—

(11)(a) No less than 90 days before the expiration date of the license, the Department of Agriculture and Consumer Services shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the Department of Agriculture and Consumer Services. The licensee must renew his or her license on or before the expiration date by filing with the Department of Agriculture and Consumer Services the renewal form containing a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3), a color photograph as specified in paragraph (5)(e), and the required renewal fee. Out-of-state residents must also submit a complete set of fingerprints completed fingerprint card and fingerprint processing fee. The license shall be renewed upon receipt of the completed renewal form, color photograph, appropriate payment of fees, and, if applicable, fingerprints a completed fingerprint card. Additionally, a licensee who fails to file a renewal application on or before its expiration date must renew his or her license by paying a late fee of \$15. A license may not be renewed 180 days or more after its expiration date, and such a license is deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees under subsection

(5) must be submitted, and a background investigation shall be conducted pursuant to this section. A person who knowingly files false information under this subsection is subject to criminal prosecution under s. 837.06.

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

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

(3) If a sexual offender is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the sexual offender’s fingerprints are taken and forwarded to the Department of Law Enforcement within 48 hours after the court sentences the offender. The fingerprints fingerprint card shall be clearly marked “Sexual Offender Registration Card.”

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

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

(2) If a career offender is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the career offender’s fingerprints are taken and forwarded to the Department of Law Enforcement within 48 hours after the court sentences the career offender. The fingerprints fingerprint card shall be clearly marked “Career Offender Registration Card.”

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

985.11 Fingerprinting and photographing.—

(1)

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

1. Assault, as defined in s. 784.011.
2. Battery, as defined in s. 784.03.
3. Carrying a concealed weapon, as defined in s. 790.01(1).
4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).
5. Neglect ~~Negligent treatment~~ of a child ~~ehildren~~, as defined in s. 827.03(1)(e) ~~former s. 827.05~~.

6. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a).
7. Open carrying of a weapon, as defined in s. 790.053.
8. Exposure of sexual organs, as defined in s. 800.03.
9. Unlawful possession of a firearm, as defined in s. 790.22(5).
10. Petit theft, as defined in s. 812.014.
11. Cruelty to animals, as defined in s. 828.12(1).
12. Arson, resulting in bodily harm to a firefighter, as defined in s. 806.031(1).
13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property as defined in s. 790.115.

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

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

985.644 Departmental contracting powers; personnel standards and screening.—

(3)

(c) All fingerprint information electronically submitted to the Department of Law Enforcement under paragraph (b) shall be retained by the Department of Law Enforcement and entered into the statewide automated biometric fingerprint identification system authorized by s. 943.05(2)(b).

Thereafter, such fingerprint information shall be available for all purposes and uses authorized for arrest fingerprint information entered into the statewide automated biometric fingerprint identification system pursuant to s. 943.051 until the fingerprint information is removed pursuant to paragraph (e). The Department of Law Enforcement shall search all arrest fingerprint information received pursuant to s. 943.051 against the fingerprint information entered into the statewide automated biometric identification fingerprint system pursuant to this subsection. Any arrest records identified as a result of the search shall be reported to the department in the manner and timeframe established by the Department of Law Enforcement by rule.

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

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

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

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

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

1002.395 Florida Tax Credit Scholarship Program.—

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

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

1. All owners and operators as defined in subparagraph (2)(h)1. are, upon employment or engagement to provide services, subject to level 2 background screening as provided under chapter 435. The fingerprints for the background screening must be electronically submitted to the Department of Law

Enforcement and can be taken by an authorized law enforcement agency or by an employee of the eligible nonprofit scholarship-funding organization or a private company who is trained to take fingerprints. However, the complete set of fingerprints of an owner or operator may not be taken by the owner or operator. The results of the state and national criminal history check shall be provided to the Department of Education for screening under chapter 435. The cost of the background screening may be borne by the eligible nonprofit scholarship-funding organization or the owner or operator.

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

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

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

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

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

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

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

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

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

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

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

1012.32 Qualifications of personnel.—

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

(b) ~~Beginning December 15, 2004,~~ The Department of Law Enforcement shall search all arrest fingerprints fingerprint cards received under s. 943.051 against the fingerprints retained in the statewide automated biometric fingerprint identification system under paragraph (a). Any arrest record that is identified with the retained fingerprints of a person subject to the background screening under this section shall be reported to the employing or contracting school district or the school district with which the person is affiliated. Each school district is required to participate in this search process by payment of an annual fee to the Department of Law Enforcement and by informing the Department of Law Enforcement of any change in the affiliation, employment, or contractual status or place of affiliation, employment, or contracting of its instructional and noninstructional personnel whose fingerprints are retained under paragraph (a). The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon each school district for performing these searches and establishing the procedures for the retention of instructional and noninstructional personnel fingerprints and the dissemination of search results. The fee may be borne by the district school board, the contractor, or the person fingerprinted.

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

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

(2)

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

(c) As authorized by law, the Department of Law Enforcement shall search all arrest fingerprints fingerprint cards received under s. 943.051

against the fingerprints retained in the statewide automated biometric fingerprint identification system under paragraph (b).

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

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

Approved by the Governor June 5, 2013.

Filed in Office Secretary of State June 5, 2013.