

## CHAPTER 98-94

### Committee Substitute for Senate Bill No. 486

An act relating to the Department of Law Enforcement; amending s. 20.201, F.S.; providing additional authority for the executive director of the department with respect to the organization of the department; providing for the department to be reorganized into specified programs; deleting the division structure of the department; amending s. 943.01, F.S.; revising the title of ch. 943, F.S.; amending s. 943.03, F.S., relating to department employees; conforming provisions to changes made by the act; deleting obsolete provisions; requiring the department to develop and maintain an information system; amending s. 943.04, F.S.; redesignating the Division of Criminal Investigation within the department as the Criminal Justice Investigations and Forensic Science Program; providing for supervision of the program; providing additional duties of the department with respect to the operation of the program; amending s. 943.05, F.S.; redesignating the Division of Criminal Justice Information Systems within the department as the Criminal Justice Information Program; providing for supervision of the program; amending s. 943.051, F.S., relating to criminal justice information; conforming provisions to changes made by the act; authorizing the department to enter into contracts; providing that disclosure of confidential information pursuant to such a contract does not waive any requirements of confidentiality; amending s. 943.0515, F.S., relating to criminal history records of minors; conforming provisions to changes made by the act; amending s. 943.052, F.S.; deleting a requirement that certain agencies inform the department of persons incarcerated or released from jail; amending ss. 943.0525, 943.053, 943.055, 943.056, 943.057, 943.08, F.S., relating to criminal justice information, criminal history records, and the Criminal and Juvenile Justice Information Systems Council; conforming provisions to changes made by the act; amending s. 943.09, F.S.; redesignating the Division of Criminal Justice Standards and Training within the department as the Criminal Justice Professionalism Program; providing for supervision of the program; amending ss. 943.10, 943.133, 943.17, 943.173, 943.25, F.S., relating to definitions, employment qualifications, training programs, examinations, and the Criminal Justice Standards and Training Trust Fund; conforming provisions to changes made by the act; amending s. 943.35, F.S.; deleting the eligibility for state funding for a criminal analysis laboratory; amending s. 938.07, F.S., relating to a fine imposed for driving under the influence; conforming provisions to changes made by the act; repealing ss. 943.26, 943.381, F.S., relating to the Division of Local Law Enforcement Assistance and the Division of Staff Services within the department; providing an effective date.

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

Section 1. Section 20.201, Florida Statutes, is amended to read:

20.201 Department of Law Enforcement.—

(1) There is created a Department of Law Enforcement. The head of the department is the Governor and Cabinet. The executive director of the department shall be appointed by the Governor with the approval of three members of the Cabinet and subject to confirmation by the Senate. The executive director shall serve at the pleasure of the Governor and Cabinet. The executive director may establish a command, operational, and administrative services structure to assist, manage, and support the department in operating programs and delivering services.

(2) The following programs ~~divisions~~ of the Department of Law Enforcement are established:

(a) Criminal Justice Investigations and Forensic Science Program.

(b) Criminal Justice Information Program.

(c) Criminal Justice Professionalism Program.

~~(a) Division of Criminal Investigation.~~

~~(b) Division of Local Law Enforcement Assistance.~~

~~(c) Division of Criminal Justice Information Systems.~~

~~(d) Division of Criminal Justice Standards and Training.~~

~~(e) Division of Staff Services.~~

Section 2. Section 943.01, Florida Statutes, is amended to read:

943.01 Short title.—This chapter may be cited ~~shall be known~~ as the “Department of Law Enforcement Act of 1974.”

Section 3. Subsections (3) and (12) of section 943.03, Florida Statutes, are amended, and subsection (13) is added to that section, to read:

943.03 Department of Law Enforcement.—

(3) The department shall employ such administrative, clerical, technical, and professional personnel, including ~~division~~ directors ~~as hereinafter provided~~, as are ~~may be~~ required, at salaries to be established by the department, to perform such duties as the department may prescribe.

(12) The department may establish, implement, and maintain a statewide, 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. ~~In consultation with the Florida Violent Crime Council, the department is authorized to initiate a pilot project in order to demonstrate and test such a system. The council must report on the status of the development of the statewide, integrated~~

violent crime information system in the council's annual report due on December 30, 1993.

(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 system in compliance with this chapter and other provisions of law. The department shall serve as custodial manager of the statewide telecommunications and data network developed and maintained as part of the information system authorized by this subsection.

Section 4. Section 943.04, Florida Statutes, is amended to read:

943.04 Criminal Justice Investigations and Forensic Science Program ~~Division of Criminal Investigation~~; creation; investigative, forensic, and related authority.—

(1) There is created a Criminal Justice Investigations and Forensic Science Program ~~Division of Criminal Investigation~~ within the Department of Law Enforcement. The program division shall be supervised by personnel ~~a director~~ who shall be employed by the department upon the recommendation of the executive director. Such personnel ~~It shall be the duty of the director to supervise, direct, coordinate, and administer all activities of the program which are assigned by the executive director~~ ~~division~~.

(2)(a) In carrying out the investigative services of the Criminal Justice Investigations and Forensic Science Program and under appropriate rules and regulations adopted by the department, or upon written order of the Governor, or by direction of the Legislature acting by a concurrent resolution, and at the direction of the executive director, the ~~department~~ Division of Criminal Investigation may investigate violations of any of the criminal laws of the state, and shall have authority to bear arms, make arrests and apply for, serve and execute search warrants, arrest warrants, compias, and other process of the court.

(b) Investigations may also be conducted in connection with the faithful execution and effective enforcement of the laws of the state with reference to organized crime, vice, racketeering, rioting, inciting to riot, and insurrection.

(c) The department ~~Division of Criminal Investigation~~ may also engage in such other investigative activities as will aid local law enforcement officers in preventing or solving crimes and controlling criminal activity.

(d) All investigators employed by the department shall be considered law enforcement officers for all purposes. The executive director shall have the authority to designate the person occupying any appropriate position within the department as a law enforcement officer, if such person is qualified under the department's personnel regulations relating to agents and is certified pursuant to s. 943.1395(1), and all persons thus employed by the department shall be considered law enforcement officers for all purposes and

shall be entitled to the privileges, protection, and benefits of ss. 112.19, 121.051, 122.34, and 870.05.

(3) Whenever it shall appear to the department that there is cause for the prosecution of a crime, the department shall refer the evidence of such crime to the officials authorized to conduct the prosecution.

(4)(a) The department is authorized to establish regional violent crime investigation coordinating teams composed of persons including, but not limited to, forensic investigators and law enforcement officers from both state and local criminal justice agencies. The functions of a regional violent crime investigation coordinating team include:

1. Responding to violent crimes in a timely and comprehensive manner, utilizing analytic, forensic, investigative, and technical expertise and equipment to provide key support to local law enforcement agencies undertaking difficult violent crime investigations.

2. Facilitating communication and coordination among state and local criminal justice agencies, including facilitating and coordinating the use of state law enforcement resources for concentrated task force efforts in violent crime investigations constituting emergency situations within the region.

(b) Upon the request of a sheriff, a police chief, or other appropriate law enforcement administrator, the executive director may deploy a regional violent crime investigation team to assist a law enforcement agency in a violent crime investigation.

(5) In carrying out the services of the Criminal Justice Investigations and Forensic Science Program and under appropriate rules and regulations adopted by the department, the department may:

(a) Adopt and recommend cooperative policies for coordinating the law enforcement work of all state, county, and municipal agencies that are responsible for law enforcement.

(b) Assist local law enforcement agencies by providing consultation, research, and planning assistance, training, and field technical services and engage in other activities to aid local law enforcement officers in preventing and solving crimes and controlling criminal activity.

(c) Provide forensic services to state, local, and other law enforcement agencies and criminal justice agencies and adopt policies, procedures, and standards for operating state-operated crime laboratories.

Section 5. Section 943.05, Florida Statutes, is amended to read:

943.05 ~~Division of Criminal Justice Information Program Systems~~; duties; crime reports.—

(1) There is created a ~~Division of Criminal Justice Information Program Systems~~ within the Department of Law Enforcement. The program division shall be supervised by personnel a director who shall be employed by the

department upon the recommendation of the executive director. Such personnel shall supervise, direct, coordinate, and administer activities of the program which are assigned by the executive director.

(2) The program ~~division~~ shall:

(a) Establish and maintain a communication system capable of transmitting criminal justice information to and between criminal justice agencies.

(b) Establish, implement, and maintain a statewide automated fingerprint identification system capable of, but not limited to, reading, classifying, matching, and storing fingerprints, rolled fingerprints, and latent fingerprints. 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 ~~which~~ 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 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.

(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 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.

(f) Establish, implement, and maintain a system for transmitting to and between criminal justice agencies information about writs of bodily attachment issued in connection with a court-ordered child support obligation. Such information shall include, but not be limited to, information necessary to identify the respondents and serve the writs.

Section 6. Subsections (1) and (2) and paragraph (a) of subsection (3) of section 943.051, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

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

(1) The ~~Division of Criminal Justice Information Program Systems~~, acting as the state's central criminal justice information repository, shall:

(a) Collect, process, store, maintain, and disseminate criminal justice information and records necessary to the operation of the criminal justice information system of the department.

(b) Develop systems that inform one criminal justice agency of the criminal justice information held or maintained by other criminal justice agencies.

(2) 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 fingerprinted, and 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) 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 fingerprinted and the fingerprints shall be submitted to the department in the manner prescribed by rule.

(5) The department is encouraged to develop innovative and progressive methods of serving the information management needs of the criminal justice community. The department may contract with other agencies or private entities for the purpose of facilitating the department's responsibilities for receiving, maintaining, managing, processing, allowing access to, and disseminating criminal justice information, intelligence, and data; criminal history records and information available only to criminal justice agencies; and public criminal history information and records. Any agency or entity under contract with the department shall, as specified in the contract, be performing the department's function as a criminal justice agency for purposes of handling criminal justice information, intelligence, data, histories, and other records, and disclosure of such information to an agency or entity under contract does not waive any confidentiality or exemption from disclosure under s. 119.07 or any other applicable law.

Section 7. Subsection (1) of section 943.0515, Florida Statutes, is amended to read:

943.0515 Retention of criminal history records of minors.—

(1)(a) The ~~Division of Criminal Justice Information Program Systems~~ shall retain the criminal history record of a minor who is classified as a serious or habitual juvenile offender under chapter 39 for 5 years after the date the offender reaches 21 years of age, at which time the record shall be expunged unless it meets the criteria of paragraph (2)(a) or paragraph (2)(b).

(b) If the minor is not classified as a serious or habitual juvenile under chapter 39, the program division shall retain the minor's criminal history

record for 5 years after the date the minor reaches 19 years of age, at which time the record shall be expunged unless it meets the criteria of paragraph (2)(a) or paragraph (2)(b).

Section 8. Section 943.052, Florida Statutes, is amended to read:

943.052 Disposition reporting.—The Criminal Justice Information Program ~~division~~ 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 ~~division~~. The disposition report shall be developed by the program ~~division~~ and shall include the offender-based transaction system number.

(1) Each law enforcement officer or booking officer shall include 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 ~~division~~ or in a manner acceptable to the program ~~division~~. The report shall be submitted at least once a month and, when acceptable by the program ~~division~~, may be submitted in an automated format. The disposition report is mandatory for dispositions relating to adult offenders only.

(3)(a) The Department of Corrections shall submit information to the program ~~division~~ 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 information to the program ~~division~~ 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.

~~(4) Each sheriff or unit of government or agent thereof shall submit information to the division relating to the receipt or discharge of any person who is sentenced to a jail facility.~~

Section 9. Section 943.0525, Florida Statutes, is amended to read:

943.0525 Criminal justice information systems; use by state and local agencies.—As a condition of participating in any criminal justice information system established by the Criminal Justice Information Program ~~division~~ or of receiving criminal justice information, state and local agencies shall be required to execute appropriate user agreements and to comply with applicable federal laws and regulations, this chapter, and rules of the department. The program ~~division~~ shall, by rule, adopt a user agreement that must ~~which shall~~ include, but is not be limited to, compliance with the provisions of s. 943.052. The user agreement between the department and the criminal justice agency shall include conspicuous language that any criminal justice agency's failure to comply with laws, rules, and the user agreement shall constitute grounds for immediate termination of services. The department shall terminate the services to the criminal justice agency until the agency is in compliance. However, the department shall not termi-

nate access to wanted persons or wanted property record information services to a law enforcement agency.

Section 10. Subsections (1) and (3) of section 943.053, Florida Statutes, are amended to read:

943.053 Dissemination of criminal justice information; fees.—

(1) The Department of Law Enforcement shall disseminate criminal justice information only in accordance with federal and state laws, regulations, and rules.

(3) Criminal history information, including information relating to minors juveniles, compiled by the ~~Division of Criminal Justice Information Program Systems~~ from intrastate sources shall be available on a priority basis to criminal justice agencies for criminal justice purposes free of charge and, otherwise, to governmental agencies not qualified as criminal justice agencies on an approximate-cost basis. After providing the program division with all known identifying information, persons in the private sector may be provided criminal history information upon tender of fees as established and in the manner prescribed by rule of the Department of Law Enforcement. Such fees shall approximate the actual cost of producing the record information. Fees may be waived by the executive director of the Department of Law Enforcement for good cause shown.

Section 11. 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 rules adopted promulgated by the Department of Law Enforcement.

(2) The ~~Division of Criminal Justice Information Program Systems~~ shall arrange for any audits of state and local criminal justice agencies necessary to 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 12. Subsections (1) and (2) of section 943.056, Florida Statutes, are amended to read:

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

(1) For purposes of verification of the accuracy and completeness of a criminal history record, the Department of Law Enforcement shall provide, in the manner prescribed by rule, such record for review upon verification, by fingerprints, of the identity of the requesting person. If a minor, or the parent or legal guardian of a minor, requests a copy of the minor's criminal history record, the Department of Law Enforcement shall provide such copy for review upon verification, by fingerprints, of the identity of the minor. The



providing of such record shall not require the payment of any fees, except those provided for by federal regulations.

(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 ~~Division of Criminal Justice Information Program Systems~~ shall be advised and shall conform state and federal records to the corrected criminal history record information.

Section 13. Section 943.057, Florida Statutes, is amended to read:

943.057 Access to criminal justice information for research or statistical purposes.—The Department of Law Enforcement may provide by rule for access to and dissemination and use of criminal justice information for research or statistical purposes. All requests for records or information in the criminal justice information systems of the department shall require the requesting individual or entity to enter into an appropriate privacy and security agreement which provides that the requesting individual or entity shall comply with all laws and rules governing the use of criminal justice information for research or statistical purposes. The department may charge a fee for the production of criminal justice information under this section hereunder. Such fee shall approximate the actual cost of production. This section ~~does shall not be construed to~~ require the release of confidential information or to require the department to accommodate requests that which would disrupt ongoing operations beyond the extent required by s. 119.07.

Section 14. Subsection (2) of section 943.08, Florida Statutes, is amended to read:

943.08 Duties; Criminal and Juvenile Justice Information Systems Council.—

(2) The council shall review proposed rules and operating policies and procedures, and amendments thereto, of the ~~Division of Criminal Justice Information Program Systems~~ and make recommendations to the executive director which shall be represented in the meeting minutes of the council. In addition, the council shall review proposed policies, rules, and procedures relating to the information system of the Department of Juvenile Justice and make recommendations to the Secretary of Juvenile Justice or designated assistant who shall attend council meetings. Those recommendations shall relate to the following areas:

(a) The management control of criminal justice information systems, criminal intelligence information systems, and criminal investigative information systems maintained by the department.

(b) The installation and operation of criminal justice information systems, criminal intelligence information systems, and criminal investigative information systems by the department and the exchange of such information with other criminal justice agencies of this state and other states, including federal agencies.

(c) The operation and maintenance of computer hardware and software within criminal justice information systems, criminal intelligence information systems, and criminal investigative information systems maintained by the department.

(d) The operation, maintenance, and use of an automated fingerprint identification system, including interfacing with existing automated systems.

(e) The physical security of the system, to prevent unauthorized disclosure of information contained in the system and to ensure that the criminal justice information in the system is currently and accurately revised to include subsequently revised information.

(f) The security of the system, to ensure that criminal justice information, criminal intelligence information, and criminal investigative information will be collected, processed, stored, and disseminated in such manner that it cannot be modified, destroyed, accessed, changed, purged, or overlaid by unauthorized individuals or agencies.

(g) The purging, expunging, or sealing of criminal justice information upon order of a court of competent jurisdiction or when authorized by law.

(h) The dissemination of criminal justice information to persons or agencies not associated with criminal justice when such dissemination is authorized by law.

(i) The access to criminal justice information maintained by any criminal justice agency by any person about whom such information is maintained for the purpose of challenge, correction, or addition of explanatory material.

(j) The training, which may be provided pursuant to s. 938.01, s. 938.15, or s. 943.25, of employees of the department and other state and local criminal justice agencies in the proper use and control of criminal justice information.

(k) The characteristics, structures, and linkages needed to allow the access and utilization of information among the various state, local, private, and federal agencies, organizations, and institutions in the public safety system, including, but not limited to, recommendations regarding:

1. The management control and administration of juvenile justice data and information.
2. The installation and operation of local area networks.
3. The installation and operation of statewide area networks.
4. Electronic mail and file transport.
5. The operation and maintenance of hardware and software.
6. Access to juvenile justice information.

7. The security and integrity of the information system.
8. Training of information system users and user groups.

(l) Such other areas as relate to the collection, processing, storage, and dissemination of criminal and juvenile justice and other public safety system information, criminal intelligence information, and criminal justice investigative information, including the development of criteria, policies, and procedures for the standardization of criminal justice data and electronic transmission of such data.

Section 15. Section 943.09, Florida Statutes, is amended to read:

943.09 Division of Criminal Justice Professionalism Program Standards and Training.—There is created a Division of Criminal Justice Professionalism Program Standards and Training within the Department of Law Enforcement. The program shall be supervised by personnel who shall be employed by the department upon the recommendation of the executive director. Such personnel shall supervise, direct, coordinate, and administer activities of the program which are assigned by the executive director. Personnel employed by the program ~~The department shall employ a division director. However, the executive director shall receive the advice of the commission prior to employing the division director. The division, as the staff of the commission, shall support and assist the commission in the execution, administration, implementation, and evaluation of its powers, duties, and functions under this chapter according to acceptable and established departmental administrative, managerial, and supervisory rules and policies. It is the duty of the division director to supervise, direct, coordinate, and administer all activities of the division.~~

Section 16. Subsection (12) of section 943.10, Florida Statutes, is amended to read:

943.10 Definitions; ss. 943.085-943.255.—The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(12) “Program” “Division” ~~means the Division of Criminal Justice Professionalism Program Standards and Training~~ of the Department of Law Enforcement.

Section 17. Section 943.133, Florida Statutes, is amended to read:

943.133 Responsibilities of employing agency, commission, and program division with respect to compliance with employment qualifications and the conduct of background investigations; injunctive relief.—

(1) The employing agency is fully responsible for the collection, verification, and maintenance of documentation establishing that an applicant complies with the requirements of ss. 943.13 and 943.131, and any rules adopted pursuant to ss. 943.13 and 943.131 thereto.

(2) Prior to the employment or appointment of any officer, the chief law enforcement or correctional officer administrator or probation and parole

regional administrator of the employing agency, or his or her designee, is required to execute and maintain a registration affidavit-of-compliance form adopted by the commission, attesting to compliance by the employing agency with subsection (1). The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit shall include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree. The information contained in the registration affidavit-of-compliance form must be submitted, or electronically transmitted, to the commission.

(3) The commission shall adopt rules that establish procedures for conducting background investigations. The rules must specify a form for employing agencies to use to document the findings of the background investigation. Before employing or appointing any officer, the employing agency must conduct a thorough background investigation in accordance with the rules. The background information should include information setting forth the facts and reasons for any of the applicant's previous separations from private or public employment or appointment, as the applicant understands them. For the purposes of this subsection, the term "separation from employment or appointment" includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence from any salaried or nonsalaried position. The employing agency must maintain the original background investigation form, which must be signed by the administrator of the employing agency or his or her designee.

(4) When the employing agency is a private entity under contract to the county or the state pursuant to s. 944.105, s. 951.062, or chapter 957, the contracting agency shall be responsible for meeting the requirements of subsections (1), (2), and (3).

(5) The commission ~~may have the authority to~~ inspect and copy the documentation of an employing agency to ensure compliance with subsection (1).

(6) If an employing agency employs or appoints an officer in violation of this section or of s. 943.13, s. 943.131, or s. 943.135, or any rules adopted pursuant thereto, the Department of Legal Affairs, at the request of the chair of the commission, shall apply to the circuit court in the county of the employing agency for injunctive relief prohibiting the employment or appointment of the person contrary to this section.

(7) The employing agency must annually submit information to the commission, as specified by rule, relating to all certified officers employed by or appointed to the employing agency so that the commission may update its records for all certified officers.

Section 18. Subsection (3) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited

to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(3) The program division shall be responsible for the accuracy of curriculum content through the identification and revision of typographical or grammatical errors, incorrect statutory citations, or information which can be identified as inaccurate by superior references. The commission shall be advised of any revision, and a copy of revised curricula shall be provided to all criminal justice training schools.

Section 19. Subsection (1) of section 943.173, Florida Statutes, is amended to read:

943.173 Examinations; administration; materials not public records; disposal of materials.—

(1) Each officer certification examination shall be administered by the Criminal Justice Professionalism Program division pursuant to s. 943.1397.

Section 20. Subsection (2), paragraphs (c) and (e) of subsection (5), 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.—

(2) There is created, within the Department of Law Enforcement, the Criminal Justice Standards and Training Trust Fund for the purpose of providing for the payment of necessary and proper expenses incurred by the operation of the commission and the Criminal Justice Professionalism Program division and providing commission-approved criminal justice advanced and specialized training and criminal justice training school enhancements and of establishing the provisions of s. 943.17 and developing the specific tests provided under s. 943.12(10). The program division shall administer the Criminal Justice Standards and Training Trust Fund and shall report the status of the fund at each regularly scheduled commission meeting.

(5) 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.

(c) By rule, the commission may establish criteria and procedures for use by the program division and regions to amend the approved plan when an emergency exists. The program division shall, with the consent of the chair of the commission, initially grant, modify, or deny the requested amendment pending final approval by the commission. The commission's plan and amendments thereto must comply with the provisions of chapter 216.

(e) Commission members, regional training council members, program division staff personnel, and other authorized persons who are performing duties directly related to the trust fund may be reimbursed for reasonable per diem and travel expenses as provided in s. 112.061.

(9) The Executive Office of the Governor may approve, for disbursement from funds appropriated to the Department of Law Enforcement, Criminal Justice Standards and Training Trust Fund, those sums necessary and required for the administration of the program division and implementation of the training programs approved by the commission.

Section 21. Subsection (1) of section 943.35, Florida Statutes, is amended to read:

943.35 Funding for existing laboratories.—

(1) The following existing criminal analysis laboratories are eligible for receipt of state funding:

- (a) The Broward County Sheriff's Crime Laboratory;
- (b) The Metro-Dade Police Department Crime Laboratory;
- (c) The Indian River Crime Laboratory;
- ~~(d) The Monroe County Sheriff's Crime Laboratory;~~
- (d)(e) The Palm Beach County Crime Laboratory; and
- (e)(f) The Pinellas County Forensic Laboratory.

Section 22. Section 938.07, Florida Statutes, is amended to read:

938.07 Driving under the influence.—Notwithstanding any other provision of s. 316.193, a court cost of \$135 shall be added to any fine imposed pursuant to s. 316.193, of which \$25 shall be deposited in the Emergency Medical Services Trust Fund, \$50 shall be deposited in the Criminal Justice Standards and Training Trust Fund of the Department of Law Enforcement to be used for operational expenses of the ~~Division of Local Law Enforcement Assistance~~ in conducting the statewide criminal analysis laboratory system established in s. 943.32, and \$60 shall be deposited in the Brain and Spinal Cord Injury Rehabilitation Trust Fund created in s. 413.613.

Section 23. Sections 943.26 and 943.381, Florida Statutes, are repealed.

Section 24. This act shall take effect July 1, 1998.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.