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



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



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



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



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113 executive training needs; amending s. 943.25, F.S.;

114 authorizing, rather than requiring, the Criminal

115 Justice Standards and Training Commission to forward

116 to each regional training council a list of its

117 specific recommended priority issues or items to be

118 funded; authorizing the commission to use computer-

119 based testing as an assessment instrument; amending s.

120 943.325, F.S.; conforming a cross-reference; amending

121 s. 943.33, F.S.; revising provisions relating to the

122 availability to defendants of state-operated criminal

123 analysis laboratories; specifying that defense experts

124 and others are not authorized to be present in such

125 laboratories or use laboratory equipment; revising

126 provisions relating to costs of laboratory testing

127 performed for defendants; amending s. 943.68, F.S.;

128 revising the due date of a report detailing

129 transportation and protective services provided by the

130 department; amending ss. 285.18, 414.40, 447.045,

131 455.213, 468.453, 475.615, 493.6105, 493.6108,

132 494.00312, 494.00321, 494.00611, 517.12, 538.09,

133 538.25, 548.024, 550.105, 550.908, 551.107, 560.141,

134 628.906, 633.34, 744.3135, 775.21, 775.261, 790.06,

135 944.607, 944.608, 985.11, 985.644, 985.4815, 1002.395,

136 1002.421, 1012.32, and 1012.467, F.S.; conforming

137 provisions to changes made by the act; providing an

138 effective date.

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



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

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

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

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

(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



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169 Department of Law Enforcement for a state criminal history
 170 record check and to the Federal Bureau of Investigation for a
 171 national criminal history record check. The information obtained
 172 from the criminal history record checks conducted pursuant to
 173 the ordinance may be used by the county to determine a person's
 174 ~~an applicant's~~ eligibility for such employment or appointment
 175 and to determine a person's ~~an employee's~~ eligibility for
 176 continued employment or appointment. This section is not
 177 intended to preempt or prevent any other background screening,
 178 including, but not limited to, criminal history record checks,
 179 which a county may lawfully undertake.

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

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

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

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

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

194 (c) Any private contractor, employee of a private
 195 contractor, vendor, repair person, for-hire chauffeur, or
 196 delivery person who has direct contact with individual members



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197 | of the public or access to any public facility or publicly
 198 | operated facility in such a manner or to such an extent that the
 199 | governing body of the municipality finds that preventing
 200 | unsuitable persons from having such contact or access is
 201 | critical to security or public safety.

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

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

221 | 406.145 Unidentified persons; reporting requirements.—When
 222 | an unidentified body is transported to a district medical
 223 | examiner pursuant to this chapter, the medical examiner shall
 224 | immediately report receipt of such body to the appropriate law



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225 enforcement agency, provided such law enforcement agency was not
 226 responsible for transportation of the body to the medical
 227 examiner. If the medical examiner cannot determine the law
 228 enforcement agency having jurisdiction, he or she shall notify
 229 the sheriff of the county in which the medical examiner is
 230 located, who shall determine the law enforcement agency
 231 responsible for the identification. It is the duty of the law
 232 enforcement officer assigned to and investigating the death to
 233 immediately establish the identity of the body. If the body is
 234 not immediately identified, the law enforcement agency
 235 responsible for investigating the death shall ~~complete an~~
 236 ~~Unidentified Person Report and~~ enter the data concerning the
 237 body, through the Florida Crime Information Center, into the
 238 Unidentified Person File of the National Crime Information
 239 Center. ~~An Unidentified Person Report is that form identified by~~
 240 ~~the Florida Department of Law Enforcement for use by law~~
 241 ~~enforcement agencies in compiling information for entrance into~~
 242 ~~the Unidentified Person File.~~

243 Section 4. Paragraph (b) of subsection (5) of section
 244 538.26, Florida Statutes, is amended to read:

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

248 (5)

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

251 (a):

252 1. A manhole cover.



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- 253 | 2. An electric light pole or other utility structure and
254 | its fixtures, wires, and hardware that are readily identifiable
255 | as connected to the utility structure.
- 256 | 3. A guard rail.
- 257 | 4. A street sign, traffic sign, or traffic signal and its
258 | fixtures and hardware.
- 259 | 5. Communication, transmission, distribution, and service
260 | wire from a utility, including copper or aluminum bus bars,
261 | connectors, grounding plates, or grounding wire.
- 262 | 6. A funeral marker or funeral vase.
- 263 | 7. A historical marker.
- 264 | 8. Railroad equipment, including, but not limited to, a
265 | tie plate, signal house, control box, switch plate, E clip, or
266 | rail tie junction.
- 267 | 9. Any metal item that is observably marked upon
268 | reasonable inspection with any form of the name, initials, or
269 | logo of a governmental entity, utility company, cemetery, or
270 | railroad.
- 271 | 10. A copper, aluminum, or aluminum-copper condensing or
272 | evaporator coil, including its tubing or rods, from an air-
273 | conditioning or heating unit, excluding coils from window air-
274 | conditioning or heating units and motor vehicle air-conditioning
275 | or heating units.
- 276 | 11. An aluminum or stainless steel container or bottle
277 | designed to hold propane for fueling forklifts.
- 278 | 12. A stainless steel beer keg.
- 279 | 13. A catalytic converter or any nonferrous part of a
280 | catalytic converter unless purchased as part of a motor vehicle.



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

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

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

291 17. A shopping cart.

292 18. A brass water meter.

293 19. A storm grate.

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

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

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

300 937.021 Missing child and missing adult reports.—

301 (5)

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



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309 | communications services as defined in s. 202.11; or any agency,
310 | employee, individual, or person is immune from civil liability
311 | for damages for complying in good faith with the request to
312 | provide information and is presumed to have acted in good faith
313 | in recording, reporting, transmitting, displaying, or releasing
314 | information or photographs pertaining to the missing adult or
315 | missing child.

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

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

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

336 | 937.024 Birth records of missing children; registrars'



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337 duties.—

338 (1) The Office of Vital Statistics shall:

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

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

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

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

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

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



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365 775.082 or s. 775.083.

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

368 937.028 Fingerprints; missing persons ~~children~~.—

369 (1) If fingerprints have been taken for the purpose of
370 identifying a child, in the event that child becomes missing,
371 the state agency, public or private organization, or other
372 person who took such fingerprints shall not release the
373 fingerprints to any law enforcement agency or other person for
374 any purpose other than the identification of a missing child.
375 Such records and data are exempt from ~~the provisions of~~ s.
376 119.07(1).

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

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

390 943.03 Department of Law Enforcement.—

391 (6) (a) The department shall be governed by all laws
392 regulating the purchase of supplies and equipment as other state



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393 agencies and may enter into contracts with other state agencies
 394 to make photographs and photocopies ~~photostats~~, to transmit
 395 information electronically ~~by teletype~~, and to perform all those
 396 services consonant with the purpose of this chapter.

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

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

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

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



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

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

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

432 Section 10. Paragraph (c) of subsection (2), subsections
 433 (4) and (5), paragraphs (b) and (c) of subsection (6), and
 434 paragraphs (a), (b), and (e) of subsection (8) of section
 435 943.031, Florida Statutes, are amended to read:

436 943.031 Florida Violent Crime and Drug Control Council.—

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

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

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



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449 council member is so empowered.

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

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

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

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



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

- 484 a. Providing enhanced community-oriented policing.
- 485 b. Providing additional undercover officers and other
486 investigative officers to assist with violent crime
487 investigations in emergency situations.
- 488 c. Providing funding for multiagency or statewide drug
489 control, criminal gang, or illicit money laundering
490 investigative efforts or task force efforts that cannot be
491 reasonably funded completely by alternative sources and that
492 significantly contribute to achieving the state's goal of
493 reducing drug-related crime, that represent significant criminal
494 gang investigative efforts, that represent a significant illicit
495 money laundering investigative effort, or that otherwise
496 significantly support statewide strategies developed by the
497 Statewide Drug Policy Advisory Council established under s.
498 397.333.

- 499 2. Expanding the use of automated biometric fingerprint
500 identification systems at the state and local levels ~~level~~.
- 501 3. Identifying methods to prevent violent crime.
- 502 4. Identifying methods to enhance multiagency or statewide
503 drug control, criminal gang, or illicit money laundering
504 investigative efforts or task force efforts that significantly



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505 contribute to achieving the state's goal of reducing drug-
506 related crime, that represent significant criminal gang
507 investigative efforts, that represent a significant illicit
508 money laundering investigative effort, or that otherwise
509 significantly support statewide strategies developed by the
510 Statewide Drug Policy Advisory Council established under s.
511 397.333.

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

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

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

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

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

531 (b) The full council shall:

532 1. Receive periodic reports from regional violent crime



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

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

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



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561 that:

562 1. Involves multiple law enforcement agencies.

563 2. Reflects a dedicated significant investigative effort

564 on the part of each participating agency in personnel, time

565 devoted to the investigation, and agency resources dedicated to

566 the effort.

567 3. Reflects a dedicated commitment by a prosecuting

568 authority to ensure that cases developed by the investigation

569 will be timely and effectively prosecuted.

570 4. Demonstrates a strategy and commitment to dismantling

571 the criminal gang via seizures of assets, significant money

572 laundering and organized crime investigations and prosecutions,

573 or similar efforts.

574

575 The council may require satisfaction of additional elements, to

576 include reporting criminal investigative and criminal

577 intelligence information related to criminal gang activity and

578 members in a manner required by the department, as a

579 prerequisite for receiving proactive criminal gang funding.

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

581 (b) Subject to funding provided to the department by the

582 Legislature, the committee shall review and approve all requests

583 for disbursement of funds from the Violent Crime Investigative

584 Emergency and Drug Control Strategy Implementation Account

585 within the Department of Law Enforcement Operating Trust Fund

586 and from other appropriations provided to the department by the

587 Legislature in the General Appropriations Act. An expedited

588 approval procedure shall be established for rapid disbursement



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589 of funds in violent crime emergency situations. Committee
590 meetings may be conducted by conference call, teleconferencing,
591 or similar technology.

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

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

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

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

615 1. Maintain and use criteria for disbursing funds to
616 reimburse law enforcement agencies for costs associated with



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617 providing victim and witness temporary protective or temporary
618 relocation services.

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

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

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

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

632 (2) A sexual offender shall:

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



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645 be provided pursuant to paragraph (4) (d); date and place of each
646 conviction; and a brief description of the crime or crimes
647 committed by the offender. A post office box shall not be
648 provided in lieu of a physical residential address.

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

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



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673 offender's enrollment or employment status.

674

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

681 (4)

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

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

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



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

711 Section 13. Paragraph (a) of subsection (2) of section
 712 943.0438, Florida Statutes, is amended to read:

713 943.0438 Athletic coaches for independent sanctioning
 714 authorities.—

715 (2) An independent sanctioning authority shall:

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

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



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729 U.S.C. s. 16920.

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

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

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

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

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

755 (3) "Biometric" refers to impressions, reproductions, or
 756 representations of human physical characteristics, such as DNA,



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757 fingerprints, palm prints, footprints, retina and iris images,
758 voice patterns, and facial images, such as booking and driver
759 license photographs, that, when measured and analyzed, can be
760 used for identification purposes.

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

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

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

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

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

784 (9)-(6) "Criminal investigative information" means



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

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

796 (11)~~(10)~~ "Criminal justice agency" means:

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

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



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

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

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

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

840 (16) ~~(13)~~ "Expunction of a criminal history record" means



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

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

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

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

867 Section 15. Paragraphs (b), (c), (d), (e), (g), and (h) of
868 subsection (2) and subsection (3) of section 943.05, Florida



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869 Statutes, are amended, and subsection (4) of that section is
 870 reenacted, to read:

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

873 (2) The program shall:

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

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

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

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

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

895 (d) Adopt rules to effectively and efficiently implement,
 896 administer, manage, maintain, and use the automated biometric



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

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

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



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

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

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

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



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953 | annual fee for the retention and searching of that person's
954 | fingerprints to the department. The department shall adopt a
955 | rule setting the amount of the annual fee to be imposed upon
956 | each participating agency or qualified entity for performing
957 | these searches and establishing the procedures for the retention
958 | of fingerprints and the dissemination of search results. The fee
959 | may be borne by the agency, qualified entity, or person subject
960 | to fingerprint retention or as otherwise provided by law.
961 | Consistent with the recognition of criminal justice agencies
962 | expressed in s. 943.053(3), these services shall be provided to
963 | criminal justice agencies for criminal justice purposes free of
964 | charge. Qualified entities that elect to participate in the
965 | fingerprint retention and search process are required to timely
966 | remit the fee to the department by a payment mechanism approved
967 | by the department. If requested by the qualified entity, and
968 | with the approval of the department, such fees may be timely
969 | remitted to the department by a qualified entity upon receipt of
970 | an invoice for such fees from the department. Failure of a
971 | qualified entity to pay the amount due on a timely basis or as
972 | invoiced by the department may result in the refusal by the
973 | department to permit the qualified entity to continue to
974 | participate in the fingerprint retention and search process
975 | until all fees due and owing are paid.

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



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981 (g) if such change removes or eliminates the agency's basis or
 982 need for receiving reports of any arrest of that person, so that
 983 the agency is not obligated to pay the upcoming annual fee for
 984 the retention and searching of that person's fingerprints to the
 985 department.

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

995 (4) Upon notification that a federal fingerprint retention
 996 program is in effect, and subject to the department being funded
 997 and equipped to participate in such a program, the department
 998 shall, if state and national criminal history records checks and
 999 retention of submitted prints are authorized or required by law,
 1000 retain the fingerprints as provided in paragraphs (2)(g) and (h)
 1001 and advise the Federal Bureau of Investigation to retain the
 1002 fingerprints at the national level for searching against arrest
 1003 fingerprint submissions received at the national level.

1004 Section 16. Subsections (2) and (3) of section 943.051,
 1005 Florida Statutes, are amended to read:

1006 943.051 Criminal justice information; collection and
 1007 storage; fingerprinting.—

1008 (2) The fingerprints, palm prints, and facial images of



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1009 each adult person charged with or convicted of a felony,
 1010 misdemeanor, or violation of a comparable ordinance by a state,
 1011 county, municipal, or other law enforcement agency shall be
 1012 captured ~~fingerprinted~~, and electronically ~~such fingerprints~~
 1013 ~~shall be~~ submitted to the department in the manner prescribed by
 1014 rule. Exceptions to this requirement for specified misdemeanors
 1015 or comparable ordinance violations may be made by the department
 1016 by rule.

1017 (3) (a) The fingerprints, palm prints, and facial images of
 1018 a minor who is charged with or found to have committed an
 1019 offense that would be a felony if committed by an adult shall be
 1020 captured ~~fingerprinted~~ and ~~the fingerprints shall be~~
 1021 electronically submitted to the department in the manner
 1022 prescribed by rule.

1023 (b) A minor who is charged with or found to have committed
 1024 the following offenses shall be fingerprinted and the
 1025 fingerprints shall be submitted electronically to the
 1026 department, unless the minor is issued a civil citation pursuant
 1027 to s. 985.12:

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



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1037 firefighter, or other specified officers, as defined in s.
 1038 784.07(2) (a) and (b).

1039 7. Open carrying of a weapon, as defined in s. 790.053.

1040 8. Exposure of sexual organs, as defined in s. 800.03.

1041 9. Unlawful possession of a firearm, as defined in s.
 1042 790.22(5).

1043 10. Petit theft, as defined in s. 812.014(3).

1044 11. Cruelty to animals, as defined in s. 828.12(1).

1045 12. Arson, as defined in s. 806.031(1).

1046 13. Unlawful possession or discharge of a weapon or
 1047 firearm at a school-sponsored event or on school property, as
 1048 provided ~~defined~~ in s. 790.115.

1049 Section 17. Section 943.052, Florida Statutes, is amended
 1050 to read:

1051 943.052 Disposition reporting.—The Criminal Justice
 1052 Information Program shall, by rule, establish procedures and a
 1053 format for each criminal justice agency to monitor its records
 1054 and submit reports, as provided by this section, to the program.
 1055 The disposition report shall be developed by the program and
 1056 shall include the offender-based transaction system number.

1057 (1) Each law enforcement officer or booking officer shall
 1058 include with submitted arrest information and fingerprints ~~on~~
 1059 ~~the arrest fingerprint card~~ the offender-based transaction
 1060 system number.

1061 (2) Each clerk of the court shall submit the uniform
 1062 dispositions to the program or in a manner acceptable to the
 1063 program. The report must ~~shall~~ be submitted at least once a
 1064 month ~~and, when acceptable by the program, may be submitted in~~



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1065 an automated format acceptable to the program. The disposition
 1066 report is mandatory for each disposition ~~dispositions~~ relating
 1067 to an adult offender and, ~~offenders only~~. beginning July 1,
 1068 2008, ~~a disposition report~~ for dispositions ~~each disposition~~
 1069 relating to a minor offenders ~~offender is~~ mandatory.

1070 (3) (a) The Department of Corrections shall submit
 1071 fingerprints, palm prints, and facial images ~~information~~ to the
 1072 program relating to the receipt ~~or discharge~~ of any person who
 1073 is sentenced to a state correctional institution.

1074 (b) The Department of Juvenile Justice shall submit
 1075 fingerprints, palm prints, and facial images ~~information~~ to the
 1076 program relating to the receipt ~~or discharge~~ of any minor who is
 1077 found to have committed an offense that would be a felony if
 1078 committed by an adult, or is found to have committed a
 1079 misdemeanor specified in s. 943.051(3), and is committed to the
 1080 custody of the Department of Juvenile Justice.

1081 Section 18. Subsection (2), paragraph (a) of subsection
 1082 (3), subsection (11), and paragraphs (a) and (c) of subsection
 1083 (13) of section 943.053, Florida Statutes, are amended to read:

1084 943.053 Dissemination of criminal justice information;
 1085 fees.—

1086 (2) Criminal justice information derived from federal
 1087 criminal justice information systems or criminal justice
 1088 information systems of other states shall not be disseminated in
 1089 a manner inconsistent with the rules instituted by the National
 1090 Crime Prevention and Privacy Compact, as approved and ratified
 1091 in s. 943.0543, or with other applicable laws, regulations, or
 1092 rules of the originating agency.



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1093 (3) (a) Criminal history information, including information
 1094 relating to minors, compiled by the Criminal Justice Information
 1095 Program from intrastate sources shall be available on a priority
 1096 basis to criminal justice agencies for criminal justice purposes
 1097 free of charge. After providing the program with all known
 1098 personal identifying information, persons in the private sector
 1099 and noncriminal justice agencies may be provided criminal
 1100 history information upon tender of fees as established in this
 1101 subsection and in the manner prescribed by rule of the
 1102 Department of Law Enforcement. Any access to criminal history
 1103 information by the private sector or noncriminal justice
 1104 agencies as provided in this subsection shall be assessed
 1105 without regard to the quantity or category of criminal history
 1106 record information requested.

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



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1121 statewide automated biometric ~~fingerprint~~ identification system
 1122 pursuant to this section. In addition to all purposes and uses
 1123 authorized for arrest fingerprint submissions for which
 1124 submitted fingerprints may be used, any arrest record that is
 1125 identified with the retained employee fingerprints must be
 1126 reported to the submitting employing agency.

1127 (13) (a) For the department to accept an electronic
 1128 fingerprint submission from:

1129 1. A private vendor engaged in the business of providing
 1130 electronic fingerprint submission; or

1131 2. A private entity or public agency that submits the
 1132 fingerprints of its own employees, volunteers, contractors,
 1133 associates, or applicants for the purpose of conducting a
 1134 required or permitted criminal history background check,

1135
 1136 the vendor, entity, or agency submitting the fingerprints must
 1137 enter into an agreement with the department that, at a minimum,
 1138 obligates the vendor, entity, or agency to comply with certain
 1139 specified standards to ensure that all persons having direct or
 1140 indirect responsibility for verifying identification, taking
 1141 fingerprints, ~~identifying,~~ and electronically submitting
 1142 fingerprints are qualified to do so and will ensure the
 1143 integrity and security of all personal information gathered from
 1144 the persons whose fingerprints are submitted.

1145 (c) The requirement for entering into an agreement with
 1146 the department for this purpose does not apply to criminal
 1147 justice agencies ~~as defined at s. 943.045(10).~~

1148 Section 19. Paragraph (b) of subsection (1) of section



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1149 943.054, Florida Statutes, is amended to read:

1150 943.054 Exchange of federal criminal history records and
1151 information.—

1152 (1) Criminal history information derived from any United
1153 States Department of Justice criminal justice information system
1154 is available:

1155 (b) Pursuant to applicable federal laws and regulations,
1156 including those instituted by the National Crime Prevention and
1157 Privacy Compact, for use in connection with licensing or local
1158 or state employment or for such other uses only as authorized by
1159 federal or state laws which have been approved by the United
1160 States Attorney General or the Attorney General's designee. ~~When~~
1161 ~~no active prosecution of the charge is known to be pending,~~
1162 ~~arrest data more than 1 year old is not disseminated unless~~
1163 ~~accompanied by information relating to the disposition of that~~
1164 ~~arrest.~~

1165 Section 20. Paragraphs (b) and (c) of subsection (2) of
1166 section 943.0542, Florida Statutes, are amended to read:

1167 943.0542 Access to criminal history information provided
1168 by the department to qualified entities.—

1169 (2)

1170 (b) A qualified entity shall submit to the department a
1171 request for screening an employee or volunteer or person
1172 applying to be an employee or volunteer by submitting
1173 fingerprints ~~on a completed fingerprint card,~~ or the request may
1174 be submitted electronically. The qualified entity must maintain
1175 a signed waiver allowing the release of the state and national
1176 criminal history record information to the qualified entity.



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1177 (c) Each such request must be accompanied by payment of a
 1178 fee for a statewide criminal history check by the department
 1179 established by s. 943.053, plus the amount currently prescribed
 1180 by the Federal Bureau of Investigation for the national criminal
 1181 history check in compliance with the National Child Protection
 1182 Act of 1993, as amended. Payments must be made in the manner
 1183 prescribed by the department by rule.

1184 Section 21. Subsection (2) of section 943.0544, Florida
 1185 Statutes, is amended to read:

1186 943.0544 Criminal justice information network and
 1187 information management.—

1188 (2) The department may develop, implement, maintain,
 1189 manage, and operate the Criminal Justice Network, which shall be
 1190 an intrastate network for agency ~~intraagency~~ information and
 1191 data sharing ~~data-sharing network~~ for use by the state's
 1192 criminal justice agencies. The department, in consultation with
 1193 the Criminal and Juvenile Justice Information Systems Council,
 1194 shall determine and regulate access to the Criminal Justice
 1195 Network by the state's criminal justice agencies.

1196 Section 22. Section 943.055, Florida Statutes, is amended
 1197 to read:

1198 943.055 Records and audit.—

1199 (1) Criminal justice agencies disseminating criminal
 1200 justice information derived from a Department of Law Enforcement
 1201 criminal justice information system shall maintain a record of
 1202 dissemination in accordance with the user agreements in s.
 1203 943.0525 ~~rules adopted by the Department of Law Enforcement.~~

1204 (2) The Criminal Justice Information Program shall arrange



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1205 for any audits of state and local criminal justice and
 1206 noncriminal justice agencies necessary to ensure ~~assure~~
 1207 compliance with federal laws and regulations, this chapter, and
 1208 rules of the Department of Law Enforcement pertaining to the
 1209 establishment, operation, security, and maintenance of criminal
 1210 justice information systems.

1211 Section 23. Subsection (2) of section 943.056, Florida
 1212 Statutes, is amended to read:

1213 943.056 ~~Access to, review and challenge of,~~ Criminal
 1214 history records; access, review, and challenge.—

1215 (2) Criminal justice agencies subject to chapter 120 shall
 1216 be subject to hearings regarding those portions of criminal
 1217 history records for which the agency served as originator. When
 1218 it is determined what the record should contain in order to be
 1219 complete and accurate, the Criminal Justice Information Program
 1220 shall be advised and shall conform state ~~and federal~~ records to
 1221 the corrected criminal history record information and shall
 1222 request that the federal records be corrected.

1223 Section 24. Paragraphs (b) and (c) of subsection (3) and
 1224 subsections (5) and (6) of section 943.0582, Florida Statutes,
 1225 are amended to read:

1226 943.0582 Prearrest, postarrest, or teen court diversion
 1227 program expunction.—

1228 (3) The department shall expunge the nonjudicial arrest
 1229 record of a minor who has successfully completed a prearrest or
 1230 postarrest diversion program if that minor:

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



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1233 of the diversion program.

1234 (c) Submits to the department, with the application, an
 1235 official written statement from the state attorney for the
 1236 county in which the arrest occurred certifying that he or she
 1237 has successfully completed that county's prearrest or postarrest
 1238 diversion program, ~~and~~ that his or her participation in the
 1239 program was based on an arrest ~~is strictly limited to minors~~
 1240 ~~arrested~~ for a nonviolent misdemeanor, and that he or she has
 1241 ~~who have~~ not otherwise been charged with or found to have
 1242 committed any criminal offense or comparable ordinance
 1243 violation.

1244 ~~(5) This section operates retroactively to permit the~~
 1245 ~~expunction of any nonjudicial record of the arrest of a minor~~
 1246 ~~who has successfully completed a prearrest or postarrest~~
 1247 ~~diversion program on or after July 1, 2000; however, in the case~~
 1248 ~~of a minor whose completion of the program occurred before the~~
 1249 ~~effective date of this section, the application for prearrest or~~
 1250 ~~postarrest diversion expunction must be submitted within 6~~
 1251 ~~months after the effective date of this section.~~

1252 (5)~~(6)~~ Expunction or sealing granted under this section
 1253 does not prevent the minor who receives such relief from
 1254 petitioning for the expunction or sealing of a later criminal
 1255 history record as provided for in ss. 943.0585 and 943.059, if
 1256 the minor is otherwise eligible under those sections.

1257 Section 25. Paragraph (b) of subsection (1), paragraph (f)
 1258 of subsection (2), and paragraph (a) of subsection (4) of
 1259 section 943.0585, Florida Statutes, are amended to read:

1260 943.0585 Court-ordered expunction of criminal history



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



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1289 of alleged criminal activity, except as provided in this
 1290 section. The court may, at its sole discretion, order the
 1291 expunction of a criminal history record pertaining to more than
 1292 one arrest if the additional arrests directly relate to the
 1293 original arrest. If the court intends to order the expunction of
 1294 records pertaining to such additional arrests, such intent must
 1295 be specified in the order. A criminal justice agency may not
 1296 expunge any record pertaining to such additional arrests if the
 1297 order to expunge does not articulate the intention of the court
 1298 to expunge a record pertaining to more than one arrest. This
 1299 section does not prevent the court from ordering the expunction
 1300 of only a portion of a criminal history record pertaining to one
 1301 arrest or one incident of alleged criminal activity.

1302 Notwithstanding any law to the contrary, a criminal justice
 1303 agency may comply with laws, court orders, and official requests
 1304 of other jurisdictions relating to expunction, correction, or
 1305 confidential handling of criminal history records or information
 1306 derived therefrom. This section does not confer any right to the
 1307 expunction of any criminal history record, and any request for
 1308 expunction of a criminal history record may be denied at the
 1309 sole discretion of the court.

1310 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
 1311 petition to a court to expunge a criminal history record is
 1312 complete only when accompanied by:

1313 (b) The petitioner's sworn statement attesting that the
 1314 petitioner:

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



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

1320 2. Has not been adjudicated guilty of, or adjudicated
 1321 delinquent for committing, any of the acts stemming from the
 1322 arrest or alleged criminal activity to which the petition
 1323 pertains.

1324 3. Has never secured a prior sealing or expunction of a
 1325 criminal history record under this section, s. 943.059, former
 1326 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~
 1327 ~~jurisdiction outside the state~~, unless expunction is sought of a
 1328 criminal history record previously sealed for 10 years pursuant
 1329 to paragraph (2) (h) and the record is otherwise eligible for
 1330 expunction.

1331 4. Is eligible for such an expunction to the best of his
 1332 or her knowledge or belief and does not have any other petition
 1333 to expunge or any petition to seal pending before any court.

1334
 1335 Any person who knowingly provides false information on such
 1336 sworn statement to the court commits a felony of the third
 1337 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1338 775.084.

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



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1345 | for and issuance of certificates of eligibility for expunction.
 1346 | A certificate of eligibility for expunction is valid for 12
 1347 | months after the date stamped on the certificate when issued by
 1348 | the department. After that time, the petitioner must reapply to
 1349 | the department for a new certificate of eligibility. Eligibility
 1350 | for a renewed certification of eligibility must be based on the
 1351 | status of the applicant and the law in effect at the time of the
 1352 | renewal application. The department shall issue a certificate of
 1353 | eligibility for expunction to a person who is the subject of a
 1354 | criminal history record if that person:

1355 | (f) Has never secured a prior sealing or expunction of a
 1356 | criminal history record under this section, s. 943.059, former
 1357 | s. 893.14, former s. 901.33, or former s. 943.058, unless
 1358 | expunction is sought of a criminal history record previously
 1359 | sealed for 10 years pursuant to paragraph (h) and the record is
 1360 | otherwise eligible for expunction.

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



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1373 indicating compliance with an order to expunge.

1374 (a) The person who is the subject of a criminal history
 1375 record that is expunged under this section or under other
 1376 provisions of law, including former s. 893.14, former s. 901.33,
 1377 and former s. 943.058, may lawfully deny or fail to acknowledge
 1378 the arrests covered by the expunged record, except when the
 1379 subject of the record:

1380 1. Is a candidate for employment with a criminal justice
 1381 agency;

1382 2. Is a defendant in a criminal prosecution;

1383 3. Concurrently or subsequently petitions for relief under
 1384 this section or s. 943.059;

1385 4. Is a candidate for admission to The Florida Bar;

1386 5. Is seeking to be employed or licensed by or to contract
 1387 with the Department of Children and Families ~~Family Services~~,
 1388 the Division of Vocational Rehabilitation within the Department
 1389 of Education, the Agency for Health Care Administration, the
 1390 Agency for Persons with Disabilities, the Department of Health,
 1391 the Department of Elderly Affairs, or the Department of Juvenile
 1392 Justice or to be employed or used by such contractor or licensee
 1393 in a sensitive position having direct contact with children, the
 1394 disabled, or the elderly; or

1395 6. Is seeking to be employed or licensed by the Department
 1396 of Education, any district school board, any university
 1397 laboratory school, any charter school, any private or parochial
 1398 school, or any local governmental entity that licenses child
 1399 care facilities; ~~or~~

1400 ~~7. Is seeking authorization from a seaport listed in s.~~



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

1403 Section 26. Paragraph (b) of subsection (1), paragraph (e)
 1404 of subsection (2), and paragraph (a) of subsection (4) of
 1405 section 943.059, Florida Statutes, are amended to read:

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



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1429 | not be sealed, without regard to whether adjudication was
 1430 | withheld, if the defendant was found guilty of or pled guilty or
 1431 | nolo contendere to the offense, or if the defendant, as a minor,
 1432 | was found to have committed or pled guilty or nolo contendere to
 1433 | committing the offense as a delinquent act. The court may only
 1434 | order sealing of a criminal history record pertaining to one
 1435 | arrest or one incident of alleged criminal activity, except as
 1436 | provided in this section. The court may, at its sole discretion,
 1437 | order the sealing of a criminal history record pertaining to
 1438 | more than one arrest if the additional arrests directly relate
 1439 | to the original arrest. If the court intends to order the
 1440 | sealing of records pertaining to such additional arrests, such
 1441 | intent must be specified in the order. A criminal justice agency
 1442 | may not seal any record pertaining to such additional arrests if
 1443 | the order to seal does not articulate the intention of the court
 1444 | to seal records pertaining to more than one arrest. This section
 1445 | does not prevent the court from ordering the sealing of only a
 1446 | portion of a criminal history record pertaining to one arrest or
 1447 | one incident of alleged criminal activity. Notwithstanding any
 1448 | law to the contrary, a criminal justice agency may comply with
 1449 | laws, court orders, and official requests of other jurisdictions
 1450 | relating to sealing, correction, or confidential handling of
 1451 | criminal history records or information derived therefrom. This
 1452 | section does not confer any right to the sealing of any criminal
 1453 | history record, and any request for sealing a criminal history
 1454 | record may be denied at the sole discretion of the court.

1455 | (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
 1456 | petition to a court to seal a criminal history record is



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1457 complete only when accompanied by:

1458 (b) The petitioner's sworn statement attesting that the
1459 petitioner:

1460 1. Has never, prior to the date on which the petition is
1461 filed, been adjudicated guilty of a criminal offense or
1462 comparable ordinance violation, or been adjudicated delinquent
1463 for committing any felony or a misdemeanor specified in s.
1464 943.051(3) (b) .

1465 2. Has not been adjudicated guilty of or adjudicated
1466 delinquent for committing any of the acts stemming from the
1467 arrest or alleged criminal activity to which the petition to
1468 seal pertains.

1469 3. Has never secured a prior sealing or expunction of a
1470 criminal history record under this section, s. 943.0585, former
1471 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~
1472 ~~jurisdiction outside the state.~~

1473 4. Is eligible for such a sealing to the best of his or
1474 her knowledge or belief and does not have any other petition to
1475 seal or any petition to expunge pending before any court.

1476
1477 Any person who knowingly provides false information on such
1478 sworn statement to the court commits a felony of the third
1479 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1480 775.084.

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



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1485 department shall, by rule adopted pursuant to chapter 120,
1486 establish procedures pertaining to the application for and
1487 issuance of certificates of eligibility for sealing. A
1488 certificate of eligibility for sealing is valid for 12 months
1489 after the date stamped on the certificate when issued by the
1490 department. After that time, the petitioner must reapply to the
1491 department for a new certificate of eligibility. Eligibility for
1492 a renewed certification of eligibility must be based on the
1493 status of the applicant and the law in effect at the time of the
1494 renewal application. The department shall issue a certificate of
1495 eligibility for sealing to a person who is the subject of a
1496 criminal history record provided that such person:

1497 (e) Has never secured a prior sealing or expunction of a
1498 criminal history record under this section, s. 943.0585, former
1499 s. 893.14, former s. 901.33, or former s. 943.058.

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



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1513 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
 1514 licensing, access authorization, and employment purposes.

1515 (a) The subject of a criminal history record sealed under
 1516 this section or under other provisions of law, including former
 1517 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 1518 deny or fail to acknowledge the arrests covered by the sealed
 1519 record, except when the subject of the record:

1520 1. Is a candidate for employment with a criminal justice
 1521 agency;

1522 2. Is a defendant in a criminal prosecution;

1523 3. Concurrently or subsequently petitions for relief under
 1524 this section or s. 943.0585;

1525 4. Is a candidate for admission to The Florida Bar;

1526 5. Is seeking to be employed or licensed by or to contract
 1527 with the Department of Children and Families ~~Family Services~~,
 1528 the Division of Vocational Rehabilitation within the Department
 1529 of Education, the Agency for Health Care Administration, the
 1530 Agency for Persons with Disabilities, the Department of Health,
 1531 the Department of Elderly Affairs, or the Department of Juvenile
 1532 Justice or to be employed or used by such contractor or licensee
 1533 in a sensitive position having direct contact with children, the
 1534 disabled, or the elderly;

1535 6. Is seeking to be employed or licensed by the Department
 1536 of Education, any district school board, any university
 1537 laboratory school, any charter school, any private or parochial
 1538 school, or any local governmental entity that licenses child
 1539 care facilities; or

1540 7. Is attempting to purchase a firearm from a licensed



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1541 importer, licensed manufacturer, or licensed dealer and is
 1542 subject to a criminal history check under state or federal law,
 1543 ~~or~~

1544 ~~8. Is seeking authorization from a Florida seaport~~
 1545 ~~identified in s. 311.09 for employment within or access to one~~
 1546 ~~or more of such seaports pursuant to s. 311.12.~~

1547 Section 27. Section 943.125, Florida Statutes, is amended
 1548 to read:

1549 943.125 Accreditation of state and local law enforcement
 1550 agencies, correctional facilities, public agency offices of
 1551 inspectors general, and certain pretrial diversion programs ~~Law~~
 1552 ~~enforcement agency accreditation; intent.-~~

1553 (1) It is the intent of the Legislature that law
 1554 enforcement agencies, correctional facilities, public agency
 1555 offices of inspectors general, and those agencies offering
 1556 pretrial diversion programs within offices of the state
 1557 attorneys, county government, or sheriff's offices in the state
 1558 be upgraded and strengthened through the adoption of meaningful
 1559 standards of operation for those agencies and their functions.

1560 (2) It is the further intent of the Legislature that these
 1561 ~~law enforcement~~ agencies voluntarily adopt standards designed to
 1562 promote enhanced professionalism:

1563 (a) For equal and fair law enforcement, to maximize the
 1564 capability of law enforcement agencies to enforce the law and
 1565 prevent and control criminal activities, ~~and to increase~~
 1566 ~~interagency cooperation throughout the state.~~

1567 (b) For correctional facilities, to maintain best
 1568 practices for the care, custody, and control of inmates.



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1569 (c) Within public agency offices of inspector general, to
 1570 promote more effective scrutiny of public agency operations and
 1571 greater accountability of those serving in those agencies.

1572 (d) In the operation and management of pretrial diversion
 1573 programs offered by and through the state attorney's offices,
 1574 county government, or sheriff's offices.

1575 (3) ~~It is further the intent of~~ The Legislature also
 1576 intends to encourage the continuation of a voluntary state
 1577 accreditation program to facilitate the enhanced professionalism
 1578 identified in subsection (2) Florida Sheriffs Association and
 1579 ~~the Florida Police Chiefs Association to develop, either jointly~~
 1580 ~~or separately, a law enforcement agency accreditation program.~~
 1581 Other than the staff support by the department as authorized in
 1582 subsection (5), the accreditation program must be independent of
 1583 any law enforcement agency, the Department of Corrections, the
 1584 Florida Sheriffs Association, or the Florida Police Chiefs
 1585 Association.

1586 (4) The law enforcement accreditation program must
 1587 address, at a minimum, the following aspects of law enforcement:

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



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



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



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1653 ~~fingerprints are not retained by the department pursuant to this~~
 1654 ~~section must be refingerprinted.~~ These fingerprints must be
 1655 forwarded to the department for processing and retention.

1656 Section 29. Subsection (1) of section 943.132, Florida
 1657 Statutes, is amended to read:

1658 943.132 Implementation of federal qualified active or
 1659 qualified retired law enforcement concealed firearms provisions
 1660 ~~Law Enforcement Officers Safety Act of 2004.~~—

1661 (1) The commission shall by rule establish the manner in
 1662 which Title 18, 44 U.S.C. ss. 926B and 926C, ~~the federal Law~~
 1663 ~~Enforcement Officers Safety Act of 2004,~~ relating to the
 1664 carrying of concealed firearms by qualified law enforcement
 1665 officers and qualified retired law enforcement officers, as
 1666 defined in the act, shall be implemented in the state. In order
 1667 to facilitate the implementation within the state of Title 18,
 1668 44 U.S.C. ss. 926B and 926C, the commission shall ~~develop and~~
 1669 authorize a uniform firearms proficiency verification card to be
 1670 issued to persons who achieve a passing score on the firing
 1671 range testing component as used ~~utilized~~ in the minimum firearms
 1672 proficiency course applicable to active law enforcement
 1673 officers, indicating the person's name and the date upon which
 1674 he or she achieved the passing score. Each such card shall be
 1675 issued only by firearms instructors with current certifications
 1676 from ~~certified by~~ the commission.

1677 Section 30. Paragraph (a) of subsection (6) of section
 1678 943.1395, Florida Statutes, is amended to read:

1679 943.1395 Certification for employment or appointment;
 1680 concurrent certification; reemployment or reappointment;



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1681 inactive status; revocation; suspension; investigation.—

1682 (6) The commission shall revoke the certification of any
1683 officer who is not in compliance with the provisions of s.
1684 943.13(4) or who intentionally executes a false affidavit
1685 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

1686 (a) The commission shall cause to be investigated any
1687 ground for revocation from the employing agency pursuant to s.
1688 943.139 or from the Governor, and the commission may cause
1689 ~~investigate~~ verifiable complaints to be investigated. Any
1690 investigation initiated by the commission pursuant to this
1691 section must be completed within 6 months after receipt of the
1692 completed report of the disciplinary or internal affairs
1693 investigation from the employing agency or Governor's office. A
1694 verifiable complaint shall be completed within 1 year after
1695 receipt of the complaint. An investigation shall be considered
1696 completed upon a finding by a probable cause panel of the
1697 commission. These time periods shall be tolled during the appeal
1698 of a termination or other disciplinary action through the
1699 administrative or judicial process or during the period of any
1700 criminal prosecution of the officer.

1701 Section 31. Subsection (2), paragraph (a) of subsection
1702 (3), and subsection (6) of section 943.1755, Florida Statutes,
1703 are amended to read:

1704 943.1755 Florida Criminal Justice Executive Institute.—

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



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1709 the specific placement of the institute within the system. The
 1710 Department of Law Enforcement maintains responsibility for
 1711 delivering and facilitating all Florida Criminal Justice
 1712 Executive Institute training.

1713 (3) The institute shall cooperate with the Criminal
 1714 Justice Standards and Training Commission, and shall be guided
 1715 and directed by a policy board composed of the following
 1716 members:

1717 (a) The following persons shall serve on the policy board:

- 1718 1. The executive director of the Department of Law
 1719 Enforcement or a designee.
- 1720 2. The Secretary of Corrections or a designee.
- 1721 3. The Commissioner of Education or a designee ~~an employee~~
 1722 ~~of the Department of Education designated by the Commissioner.~~
- 1723 4. The Secretary of Juvenile Justice or a designee.

1724 (6) Seven ~~Six~~ members constitute a quorum of the board.
 1725 Section 32. Subsection (2) of section 943.1757, Florida
 1726 Statutes, is amended to read:

1727 943.1757 Criminal justice executives; training; policy
 1728 report.—

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



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1737 report to the appropriate substantive committees of each house
 1738 describing how these needs are being met through training by the
 1739 Criminal Justice Executive Institute.

1740 Section 33. Paragraph (a) of subsection (4) and subsection
 1741 (9) of section 943.25, Florida Statutes, are amended to read:

1742 943.25 Criminal justice trust funds; source of funds; use
 1743 of funds.—

1744 (4) The commission shall authorize the establishment of
 1745 regional training councils to advise and assist the commission
 1746 in developing and maintaining a plan assessing regional criminal
 1747 justice training needs and to act as an extension of the
 1748 commission in the planning, programming, and budgeting for
 1749 expenditures of the moneys in the Criminal Justice Standards and
 1750 Training Trust Fund.

1751 (a) The commission may ~~shall~~ annually forward to each
 1752 regional training council a list of its specific recommended
 1753 priority issues or items to be funded. Each regional training
 1754 council shall consider the recommendations of the commission in
 1755 relation to the needs of the region and either include the
 1756 recommendations in the region's budget plan or satisfactorily
 1757 justify their exclusion.

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



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1765 appropriate and job-related as minimum requirements.

1766 Section 34. Subsection (14) of section 943.325, Florida
 1767 Statutes, is amended to read:

1768 943.325 DNA database.—

1769 (14) RESULTS.—The results of a DNA analysis and the
 1770 comparison of analytic results shall be released only to
 1771 criminal justice agencies as defined in s. 943.045 ~~943.045(10)~~,
 1772 at the request of the agency. Otherwise, such information is
 1773 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
 1774 s. 24(a), Art. I of the State Constitution.

1775 Section 35. Section 943.33, Florida Statutes, is amended
 1776 to read:

1777 943.33 State-operated criminal analysis laboratories.—

1778 (1) The state-operated laboratories shall furnish
 1779 laboratory service upon request to law enforcement officials in
 1780 the state. The testing services of such laboratories by persons
 1781 employed by or acting on behalf of the department shall also be
 1782 available to any defendant in a criminal case upon showing of
 1783 good cause and upon order of the court with jurisdiction in the
 1784 case. When such service is to be made available to the
 1785 defendant, the order shall be issued only after motion by the
 1786 defendant and hearing held after notice with a copy of the
 1787 motion being served upon the prosecutor and the state-operated
 1788 laboratory from which the service is being sought.

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



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1793 sought is one which is reasonably within the capacity of the
 1794 state-operated laboratory, ~~and~~ will not be unduly burdensome
 1795 upon the laboratory, will not impede normal daily laboratory
 1796 operations, will not negatively impact laboratory certifications
 1797 or equipment calibration, and does not violate the laboratory's
 1798 national certification or accreditation standards; and that the
 1799 service cannot be obtained from any qualified private or
 1800 nonstate operated laboratory within the state or otherwise
 1801 reasonably available to the defense.

1802 (3) This section does not authorize the presence of
 1803 defense experts or others representing the defense inside a
 1804 state-operated laboratory facility where actual testing or
 1805 analysis is occurring and does not authorize the use of state-
 1806 operated laboratory equipment or facilities by defense experts
 1807 or other persons not employed by or acting on the behalf of the
 1808 department.

1809 (4) The court shall assess the costs of all testing,
 1810 equipment operation, and personnel and any other costs directly
 1811 attributable to the court-ordered testing ~~such service ordered~~
 1812 by the court to the defendant or the defendant's counsel,
 1813 whether public, private, or pro bono, who obtained the testing
 1814 order ~~local public defender's office.~~ The laboratory providing
 1815 the service ordered shall include with the report of the
 1816 analysis, comparison, or identification a statement of the costs
 1817 of the service provided and shall provide a copy of all reports
 1818 and analysis performed and cost statement being provided to the
 1819 prosecutor in the case and the court.

1820 Section 36. Subsection (9) of section 943.68, Florida



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1821 Statutes, is amended to read:
 1822 943.68 Transportation and protective services.—
 1823 (9) The department shall submit a report each August ~~July~~
 1824 15 to the Governor, the Legislature, and the Cabinet, detailing
 1825 all transportation and protective services provided under
 1826 subsections (1), (5), and (6) within the preceding fiscal year.
 1827 Each report shall include a detailed accounting of the cost of
 1828 such transportation and protective services, including the names
 1829 of persons provided such services and the nature of state
 1830 business performed.

1831 Section 37. Subsection (3) of section 285.18, Florida
 1832 Statutes, is amended to read:

1833 285.18 Tribal council as governing body; powers and
 1834 duties.—

1835 (3) The law enforcement agencies of the Seminole Tribe of
 1836 Florida and the Miccosukee Tribe of Indians of Florida shall
 1837 have the authority of "criminal justice agencies" as defined in
 1838 s. 945.045(11)(e) ~~943.045(10)(e)~~ and shall have the specific
 1839 authority to negotiate agreements with the ~~Florida~~ Department of
 1840 Law Enforcement, the United States Department of Justice, and
 1841 other federal law enforcement agencies for access to criminal
 1842 history records for the purpose of conducting ongoing criminal
 1843 investigations and for the following governmental purposes:

1844 (a) Background investigations, which are required for
 1845 employment by a tribal education program, tribal Head Start
 1846 program, or tribal day care program as may be required by state
 1847 or federal law.

1848 (b) Background investigations, which are required for



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1849 employment by tribal law enforcement agencies.

1850 (c) Background investigations, which are required for
1851 employment by a tribal government.

1852 (d) Background investigations with respect to all
1853 employees, primary management officials, and all persons having
1854 a financial interest in a class II Indian tribal gaming
1855 enterprise to ensure eligibility as provided in the Indian
1856 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et al.

1857
1858 With regard to those investigations authorized in paragraphs
1859 (a), (c), and (d), each such individual shall file a complete
1860 set of his or her fingerprints that have been taken by an
1861 authorized law enforcement officer, which set of fingerprints
1862 shall be submitted to the Department of Law Enforcement for
1863 state processing and to the Federal Bureau of Investigation for
1864 federal processing. The cost of processing shall be borne by the
1865 applicant.

1866 Section 38. Paragraph (b) of subsection (2) of section
1867 414.40, Florida Statutes, is amended to read:

1868 414.40 Stop Inmate Fraud Program established; guidelines.—

1869 (2) The Department of Financial Services is directed to
1870 implement the Stop Inmate Fraud Program in accordance with the
1871 following guidelines:

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



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1877 ~~943.045(7)~~, and the term "criminal justice information" have the
 1878 same meanings ~~is defined~~ as provided in s. 943.045 ~~943.045(3)~~.

1879 Section 39. Section 447.045, Florida Statutes, is amended
 1880 to read:

1881 447.045 Information confidential.—Neither the department
 1882 nor any investigator or employee of the department shall divulge
 1883 in any manner the information obtained pursuant to the
 1884 processing of applicant fingerprints ~~fingerprint cards~~, and such
 1885 information is confidential and exempt from ~~the provisions of~~ s.
 1886 119.07(1).

1887 Section 40. Subsection (10) of section 455.213, Florida
 1888 Statutes, is amended to read:

1889 455.213 General licensing provisions.—

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



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1905 | by the ~~Florida~~ Department of Law Enforcement and the Federal
 1906 | Bureau of Investigation shall be sent to the department to
 1907 | determine whether ~~for the purpose of determining if~~ the
 1908 | applicant is statutorily qualified for registration,
 1909 | certification, or licensure.

1910 | Section 41. Paragraph (d) of subsection (2) of section
 1911 | 468.453, Florida Statutes, is amended to read:

1912 | 468.453 Licensure required; qualifications; license
 1913 | nontransferable; service of process; temporary license; license
 1914 | or application from another state.—

1915 | (2) A person shall be licensed as an athlete agent if the
 1916 | applicant:

1917 | (d) Has submitted to the department fingerprints ~~a~~
 1918 | ~~fingerprint card~~ for a criminal history records check. The
 1919 | fingerprints ~~fingerprint card~~ shall be forwarded to the Division
 1920 | of Criminal Justice Information Systems within the Department of
 1921 | Law Enforcement for ~~purposes of processing the fingerprint card~~
 1922 | to determine whether ~~if~~ the applicant has a criminal history
 1923 | record. The fingerprints ~~fingerprint card~~ shall also be
 1924 | forwarded to the Federal Bureau of Investigation ~~for purposes of~~
 1925 | ~~processing the fingerprint card~~ to determine whether ~~if~~ the
 1926 | applicant has a criminal history record. The information
 1927 | obtained by the processing of the fingerprints ~~fingerprint card~~
 1928 | by the ~~Florida~~ Department of Law Enforcement and the Federal
 1929 | Bureau of Investigation shall be sent to the department to
 1930 | determine whether ~~for the purpose of determining if~~ the
 1931 | applicant is statutorily qualified for licensure.

1932 | Section 42. Subsection (3) of section 475.615, Florida



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1933 Statutes, is amended to read:
 1934 475.615 Qualifications for registration or certification.—
 1935 (3) Appropriate fees, as set forth in the rules of the
 1936 board pursuant to s. 475.6147, and a set of fingerprints
 1937 ~~fingerprint card~~ must accompany all applications for
 1938 registration or certification. The fingerprints ~~fingerprint card~~
 1939 shall be forwarded to the Division of Criminal Justice
 1940 Information Systems within the Department of Law Enforcement for
 1941 ~~purposes of processing the fingerprint card~~ to determine whether
 1942 ~~if~~ the applicant has a criminal history record. The fingerprints
 1943 ~~fingerprint card~~ shall also be forwarded to the Federal Bureau
 1944 of Investigation ~~for purposes of processing the fingerprint card~~
 1945 to determine whether ~~if~~ the applicant has a criminal history
 1946 record. The information obtained by the processing of the
 1947 fingerprints ~~fingerprint card~~ by the Department of Law
 1948 Enforcement and the Federal Bureau of Investigation shall be
 1949 sent to the department to determine whether ~~for the purpose of~~
 1950 ~~determining if~~ the applicant is statutorily qualified for
 1951 registration or certification. ~~Effective July 1, 2006, an~~
 1952 ~~applicant must provide fingerprints in electronic format.~~
 1953 Section 43. Paragraph (j) of subsection (3) of section
 1954 493.6105, Florida Statutes, is amended to read:
 1955 493.6105 Initial application for license.—
 1956 (3) The application must contain the following information
 1957 concerning the individual signing the application:
 1958 (j) A full set of fingerprints ~~on a card provided by the~~
 1959 ~~department~~ and a fingerprint fee to be established by rule of
 1960 the department based upon costs determined by state and federal



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1961 agency charges and department processing costs. An applicant who
 1962 has, within the immediately preceding 6 months, submitted such
 1963 fingerprints ~~a fingerprint card~~ and fee for licensing purposes
 1964 under this chapter is not required to submit another set of
 1965 fingerprints ~~fingerprint card~~ or fee.

1966 Section 44. Paragraph (a) of subsection (1) of section
 1967 493.6108, Florida Statutes, is amended to read:

1968 493.6108 Investigation of applicants by Department of
 1969 Agriculture and Consumer Services.—

1970 (1) Except as otherwise provided, the department must
 1971 investigate an applicant for a license under this chapter before
 1972 it may issue the license. The investigation must include:

1973 (a)1. An examination of fingerprint records and police
 1974 records. If a criminal history record check of any applicant
 1975 under this chapter is performed by means of fingerprint ~~card~~
 1976 identification, the time limitations prescribed by s. 120.60(1)
 1977 shall be tolled during the time the applicant's fingerprints are
 1978 ~~fingerprint card is~~ under review by the Department of Law
 1979 Enforcement or the United States Department of Justice, Federal
 1980 Bureau of Investigation.

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



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1989 written statement signed by the fingerprint technician or a
 1990 licensed physician stating that there is a physical condition
 1991 that precludes obtaining a legible set of fingerprints or that
 1992 the fingerprints taken are the best that can be obtained.

1993 Section 45. Paragraph (f) of subsection (2) of section
 1994 494.00312, Florida Statutes, is amended to read:

1995 494.00312 Loan originator license.—

1996 (2) In order to apply for a loan originator license, an
 1997 applicant must:

1998 (f) Submit fingerprints in accordance with rules adopted
 1999 by the commission:

2000 1. The fingerprints may be submitted to the registry, the
 2001 office, or a vendor acting on behalf of the registry or the
 2002 office.

2003 2. The office may contract with a third-party vendor to
 2004 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
 2005 ~~card.~~

2006 3. A state criminal history background check must be
 2007 conducted through the Department of Law Enforcement, and a
 2008 federal criminal history background check must be conducted
 2009 through the Federal Bureau of Investigation.

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



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2017 longer required to be retained.

2018 5. The costs of fingerprint processing, including the cost
2019 of retaining the fingerprints, shall be borne by the person
2020 subject to the background check.

2021 6. The office is responsible for reviewing the results of
2022 the state and federal criminal history checks and determining
2023 whether the applicant meets licensure requirements.

2024 Section 46. Paragraph (d) of subsection (2) of section
2025 494.00321, Florida Statutes, is amended to read:

2026 494.00321 Mortgage broker license.—

2027 (2) In order to apply for a mortgage broker license, an
2028 applicant must:

2029 (d) Submit fingerprints for each of the applicant's
2030 control persons in accordance with rules adopted by the
2031 commission:

2032 1. The fingerprints may be submitted to the registry, the
2033 office, or a vendor acting on behalf of the registry or the
2034 office.

2035 2. The office may contract with a third-party vendor to
2036 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
2037 ~~card~~.

2038 3. A state criminal history background check must be
2039 conducted through the Department of Law Enforcement, and a
2040 federal criminal history background check must be conducted
2041 through the Federal Bureau of Investigation.

2042 4. All fingerprints submitted to the Department of Law
2043 Enforcement must be submitted electronically and entered into
2044 the statewide automated biometric ~~fingerprint~~ identification



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2045 system established in s. 943.05(2)(b) and available for use in
 2046 accordance with s. 943.05(2)(g) and (h). The office shall pay an
 2047 annual fee to the department to participate in the system and
 2048 inform the department of any person whose fingerprints are no
 2049 longer required to be retained.

2050 5. The costs of fingerprint processing, including the cost
 2051 of retaining the fingerprints, shall be borne by the person
 2052 subject to the background check.

2053 6. The office is responsible for reviewing the results of
 2054 the state and federal criminal history checks and determining
 2055 whether the applicant meets licensure requirements.

2056 Section 47. Paragraph (d) of subsection (2) of section
 2057 494.00611, Florida Statutes, is amended to read:

2058 494.00611 Mortgage lender license.—

2059 (2) In order to apply for a mortgage lender license, an
 2060 applicant must:

2061 (d) Submit fingerprints for each of the applicant's
 2062 control persons in accordance with rules adopted by the
 2063 commission:

2064 1. The fingerprints may be submitted to the registry, the
 2065 office, or a vendor acting on behalf of the registry or the
 2066 office.

2067 2. The office may contract with a third-party vendor to
 2068 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
 2069 ~~card.~~

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



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2073 through the Federal Bureau of Investigation.

2074 4. All fingerprints submitted to the Department of Law
 2075 Enforcement must be submitted electronically and entered into
 2076 the statewide automated biometric fingerprint identification
 2077 system established in s. 943.05(2)(b) and available for use in
 2078 accordance with s. 943.05(2)(g) and (h). The office shall pay an
 2079 annual fee to the department to participate in the system and
 2080 inform the department of any person whose fingerprints are no
 2081 longer required to be retained.

2082 5. The costs of fingerprint processing, including the cost
 2083 of retaining the fingerprints, shall be borne by the person
 2084 subject to the background check.

2085 6. The office is responsible for reviewing the results of
 2086 the state and federal criminal history checks and determining
 2087 whether the applicant meets licensure requirements.

2088 Section 48. Subsections (7) and (10) of section 517.12,
 2089 Florida Statutes, are amended to read:

2090 517.12 Registration of dealers, associated persons,
 2091 investment advisers, and branch offices.—

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



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2101 shall file a complete set of fingerprints. Fingerprints ~~A~~
 2102 ~~fingerprint card~~ submitted to the office must be taken by an
 2103 authorized law enforcement agency or in a manner approved by the
 2104 commission by rule. The office shall submit the fingerprints to
 2105 the Department of Law Enforcement for state processing, and the
 2106 Department of Law Enforcement shall forward the fingerprints to
 2107 the Federal Bureau of Investigation for federal processing. The
 2108 cost of the fingerprint processing may be borne by the office,
 2109 the employer, or the person subject to the background check. The
 2110 Department of Law Enforcement shall submit an invoice to the
 2111 office for the fingerprints received each month. The office
 2112 shall screen the background results to determine whether ~~if~~ the
 2113 applicant meets licensure requirements. The commission may
 2114 waive, by rule, the requirement that applicants, including any
 2115 direct owners, principals, or indirect owners that are required
 2116 to be reported on Form BD or Form ADV pursuant to subsection
 2117 (15), file a set of fingerprints or the requirement that such
 2118 fingerprints be processed by the Department of Law Enforcement
 2119 or the Federal Bureau of Investigation. The commission or office
 2120 may require information about any such applicant or person
 2121 concerning such matters as:

2122 (a) His or her full name, and any other names by which he
 2123 or she may have been known, and his or her age, social security
 2124 number, photograph, qualifications, and educational and business
 2125 history.

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



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2129 securities business and any injunction or administrative order
 2130 by a state or federal agency regulating banking, insurance,
 2131 finance, or small loan companies, real estate, mortgage brokers,
 2132 or other related or similar industries, which injunctions or
 2133 administrative orders relate to such person.

2134 (c) His or her conviction of, or plea of nolo contendere
 2135 to, a criminal offense or his or her commission of any acts
 2136 which would be grounds for refusal of an application under s.
 2137 517.161.

2138 (d) The names and addresses of other persons of whom the
 2139 office may inquire as to his or her character, reputation, and
 2140 financial responsibility.

2141 (10) An applicant for registration shall pay an assessment
 2142 fee of \$200, in the case of a dealer or investment adviser, or
 2143 \$50, in the case of an associated person. An associated person
 2144 may be assessed an additional fee to cover the cost for the
 2145 fingerprints ~~fingerprint cards~~ to be processed by the office.
 2146 Such fee shall be determined by rule of the commission. Each
 2147 dealer and each investment adviser shall pay an assessment fee
 2148 of \$100 for each office in this state. Such fees become the
 2149 revenue of the state, except for those assessments provided for
 2150 under s. 517.131(1) until such time as the Securities Guaranty
 2151 Fund satisfies the statutory limits, and are not returnable in
 2152 the event that registration is withdrawn or not granted.

2153 Section 49. Subsection (2) of section 538.09, Florida
 2154 Statutes, is amended to read:

2155 538.09 Registration.—

2156 (2) The secondhand dealer shall furnish with her or his



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2157 registration a complete set of her or his fingerprints,
 2158 certified by an authorized law enforcement officer, and a recent
 2159 fullface photographic identification card of herself or himself.
 2160 The Department of Law Enforcement shall report its findings to
 2161 the Department of Revenue within 30 days after the date the
 2162 fingerprints ~~fingerpr~~~~int~~ ~~cards~~ are submitted for criminal
 2163 justice information.

2164 Section 50. Paragraph (b) of subsection (1) of section
 2165 538.25, Florida Statutes, is amended to read:

2166 538.25 Registration.—

2167 (1) A person may not engage in business as a secondary
 2168 metals recycler at any location without registering with the
 2169 department. The department shall accept applications only from a
 2170 fixed business address. The department may not accept an
 2171 application that provides an address of a hotel room or motel
 2172 room, a vehicle, or a post office box.

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



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2185 Revenue within 30 days after the date the fingerprints
 2186 ~~fingerprint cards~~ are submitted for criminal justice
 2187 information.

2188 Section 51. Subsection (2) of section 548.024, Florida
 2189 Statutes, is amended to read:

2190 548.024 Background investigation of applicants for
 2191 licensure.—

2192 (2) If the commission requires a background criminal
 2193 history investigation of any applicant, it shall require the
 2194 applicant to submit to the department fingerprints ~~a fingerprint~~
 2195 ~~card~~ for this purpose. The fingerprints ~~fingerprint card~~ shall
 2196 be forwarded to the Division of Criminal Justice Information
 2197 Systems within the Department of Law Enforcement and the Federal
 2198 Bureau of Investigation for ~~purposes of~~ processing ~~the~~
 2199 ~~fingerprint card~~ to determine whether ~~if~~ the applicant has a
 2200 criminal history record. The information obtained by the
 2201 processing of the fingerprints ~~fingerprint card~~ by the
 2202 Department of Law Enforcement and the Federal Bureau of
 2203 Investigation shall be sent to the department to determine
 2204 whether ~~for the purpose of determining if~~ the applicant is
 2205 statutorily qualified for licensure.

2206 Section 52. Paragraphs (b) and (c) of subsection (10) of
 2207 section 550.105, Florida Statutes, are amended to read:

2208 550.105 Occupational licenses of racetrack employees;
 2209 fees; denial, suspension, and revocation of license; penalties
 2210 and fines.—

2211 (10)

2212 (b) All fingerprints required by this section that are



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2213 submitted to the Department of Law Enforcement shall be retained
 2214 by the Department of Law Enforcement and entered into the
 2215 statewide automated biometric ~~fingerprint~~ identification system
 2216 as authorized by s. 943.05(2)(b) and shall be available for all
 2217 purposes and uses authorized for arrest fingerprints ~~fingerprint~~
 2218 ~~cards~~ entered into the statewide automated biometric ~~fingerprint~~
 2219 identification system pursuant to s. 943.051.

2220 (c) The Department of Law Enforcement shall search all
 2221 arrest fingerprints received pursuant to s. 943.051 against the
 2222 fingerprints retained in the statewide automated biometric
 2223 ~~fingerprint~~ identification system under paragraph (b). Any
 2224 arrest record that is identified with the retained fingerprints
 2225 of a person subject to the criminal history screening
 2226 requirements of this section shall be reported to the division.
 2227 Each licensee shall pay a fee to the division for the cost of
 2228 retention of the fingerprints and the ongoing searches under
 2229 this paragraph. The division shall forward the payment to the
 2230 Department of Law Enforcement. The amount of the fee to be
 2231 imposed for performing these searches and the procedures for the
 2232 retention of licensee fingerprints shall be as established by
 2233 rule of the Department of Law Enforcement. The division shall
 2234 inform the Department of Law Enforcement of any change in the
 2235 license status of licensees whose fingerprints are retained
 2236 under paragraph (b).

2237 Section 53. Subsection (2) of section 550.908, Florida
 2238 Statutes, is amended to read:

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



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2241 has the power and duty to:

2242 (2) Investigate applicants for licensure by the compact
 2243 committee and, as permitted by federal and state law, gather
 2244 information on such applicants, including criminal history
 2245 record information from the Federal Bureau of Investigation and
 2246 relevant state and local law enforcement agencies, and, where
 2247 appropriate, from the Royal Canadian Mounted Police and law
 2248 enforcement agencies of other countries, which is necessary to
 2249 determine whether a license should be issued under the licensure
 2250 requirements established by the committee under subsection (1).
 2251 The fingerprints of each applicant for licensure by the compact
 2252 committee shall be taken by the compact committee, its
 2253 employees, or its designee, and, pursuant to Pub. L. No. 92-544
 2254 or Pub. L. No. 100-413, shall be forwarded to a state
 2255 identification bureau or to the Association of Racing
 2256 Commissioners International, Inc., for submission to the Federal
 2257 Bureau of Investigation for a criminal history record check.
 2258 Such fingerprints may be submitted ~~on a fingerprint card or~~ by
 2259 electronic or other means authorized by the Federal Bureau of
 2260 Investigation or other receiving law enforcement agency.

2261 Section 54. Paragraphs (c) and (d) of subsection (7) of
 2262 section 551.107, Florida Statutes, are amended to read:

2263 551.107 Slot machine occupational license; findings;
 2264 application; fee.—

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



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2269 Investigation for national processing for a criminal history
 2270 record check. All persons as specified in s. 550.1815(1) (a)
 2271 employed by or working within a licensed premises shall submit
 2272 fingerprints for a criminal history record check and may not
 2273 have been convicted of any disqualifying criminal offenses
 2274 specified in subsection (6). Division employees and law
 2275 enforcement officers assigned by their employing agencies to
 2276 work within the premises as part of their official duties are
 2277 excluded from the criminal history record check requirements
 2278 under this subsection. For purposes of this subsection, the term
 2279 "convicted" means having been found guilty, with or without
 2280 adjudication of guilt, as a result of a jury verdict, nonjury
 2281 trial, or entry of a plea of guilty or nolo contendere.

2282 (c) All fingerprints submitted to the Department of Law
 2283 Enforcement and required by this section shall be retained by
 2284 the Department of Law Enforcement and entered into the statewide
 2285 automated biometric fingerprint identification system as
 2286 authorized by s. 943.05(2) (b) and shall be available for all
 2287 purposes and uses authorized for arrest fingerprints fingerprint
 2288 ~~cards~~ entered into the statewide automated biometric fingerprint
 2289 identification system pursuant to s. 943.051.

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



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2297 Each licensed facility shall pay a fee to the division for the
 2298 cost of retention of the fingerprints and the ongoing searches
 2299 under this paragraph. The division shall forward the payment to
 2300 the Department of Law Enforcement. The amount of the fee to be
 2301 imposed for performing these searches and the procedures for the
 2302 retention of licensee fingerprints shall be as established by
 2303 rule of the Department of Law Enforcement. The division shall
 2304 inform the Department of Law Enforcement of any change in the
 2305 license status of licensees whose fingerprints are retained
 2306 under paragraph (c).

2307 Section 55. Paragraph (b) of subsection (1) of section
 2308 560.141, Florida Statutes, is amended to read:

2309 560.141 License application.—

2310 (1) To apply for a license as a money services business
 2311 under this chapter the applicant must:

2312 (b) In addition to the application form, submit:

2313 1. A nonrefundable application fee as provided in s.
 2314 560.143.

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



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2325 | the criminal records background check. The office shall screen
 2326 | the background results to determine whether ~~if~~ the applicant
 2327 | meets licensure requirements. As used in this section, the term
 2328 | "publicly traded" means a stock is currently traded on a
 2329 | national securities exchange registered with the federal
 2330 | Securities and Exchange Commission or traded on an exchange in a
 2331 | country other than the United States regulated by a regulator
 2332 | equivalent to the Securities and Exchange Commission and the
 2333 | disclosure and reporting requirements of such regulator are
 2334 | substantially similar to those of the commission.

2335 | 3. A copy of the applicant's written anti-money laundering
 2336 | program required under 31 C.F.R. s. 103.125.

2337 | 4. Within the time allotted by rule, any information
 2338 | needed to resolve any deficiencies found in the application.

2339 | Section 56. Subsection (1) of section 628.906, Florida
 2340 | Statutes, is amended to read:

2341 | 628.906 Application requirements; restrictions on
 2342 | eligibility of officers and directors.—

2343 | (1) To evidence competence and trustworthiness of its
 2344 | officers and directors, the application for a license to act as
 2345 | a captive insurance company or captive reinsurance company shall
 2346 | include, but not be limited to, background investigations,
 2347 | biographical affidavits, and fingerprints ~~fingerprnt cards~~ for
 2348 | all officers and directors. Fingerprints must be taken by a law
 2349 | enforcement agency or other entity approved by the office, be
 2350 | accompanied by the fingerprint processing fee specified in s.
 2351 | 624.501, and processed in accordance with s. 624.34.

2352 | Section 57. Subsection (3) of section 633.34, Florida



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2353 Statutes, is amended to read:

2354 633.34 Firefighters; qualifications for employment.—Any
2355 person applying for employment as a firefighter must:

2356 (3) Submit a set of fingerprints ~~fingerprint card~~ to the
2357 division with a current processing fee. The fingerprints
2358 ~~fingerprint card~~ will be forwarded to the Department of Law
2359 Enforcement and/or the Federal Bureau of Investigation.

2360 Section 58. Subsections (2) and (3) and paragraphs (b) and
2361 (c) of subsection (4) of section 744.3135, Florida Statutes, are
2362 amended to read:

2363 744.3135 Credit and criminal investigation.—

2364 (2) For nonprofessional guardians, the court shall accept
2365 the satisfactory completion of a criminal history record check
2366 as described in this subsection. A nonprofessional guardian
2367 satisfies the requirements of this section by undergoing a state
2368 and national criminal history record check using fingerprints ~~a~~
2369 ~~fingerprint card~~. ~~The clerk of the court shall obtain~~
2370 ~~fingerprint cards from the Federal Bureau of Investigation and~~
2371 ~~make them available to nonprofessional guardians~~. Any
2372 nonprofessional guardian who is so required shall have his or
2373 her fingerprints taken and forward them ~~the completed~~
2374 ~~fingerprint card~~ along with the necessary fee to the Department
2375 of Law Enforcement for processing. The results of the
2376 fingerprint ~~card~~ criminal history record check shall be
2377 forwarded to the clerk of the court, who shall maintain the
2378 results in the nonprofessional guardian's file and make the
2379 results available to the court.

2380 (3) For professional guardians, the court and the



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2381 Statewide Public Guardianship Office shall accept the
 2382 satisfactory completion of a criminal history record check by
 2383 any method described in this subsection. A professional guardian
 2384 satisfies the requirements of this section by undergoing+
 2385 ~~(a)~~ an electronic fingerprint criminal history record
 2386 check. A professional guardian may use any electronic
 2387 fingerprinting equipment used for criminal history record
 2388 checks. The Statewide Public Guardianship Office shall adopt a
 2389 rule detailing the acceptable methods for completing an
 2390 electronic fingerprint criminal history record check under this
 2391 section. The professional guardian shall pay the actual costs
 2392 incurred by the Federal Bureau of Investigation and the
 2393 Department of Law Enforcement for the criminal history record
 2394 check. The entity completing the record check must immediately
 2395 send the results of the criminal history record check to the
 2396 clerk of the court and the Statewide Public Guardianship Office.
 2397 The clerk of the court shall maintain the results in the
 2398 professional guardian's file and shall make the results
 2399 available to the court; ~~or~~
 2400 ~~(b) A criminal history record check using a fingerprint~~
 2401 ~~card. The clerk of the court shall obtain fingerprint cards from~~
 2402 ~~the Federal Bureau of Investigation and make them available to~~
 2403 ~~guardians. Any guardian who is so required shall have his or her~~
 2404 ~~fingerprints taken and forward the proper fingerprint card along~~
 2405 ~~with the necessary fee to the Department of Law Enforcement for~~
 2406 ~~processing. The results of the fingerprint card criminal history~~
 2407 ~~record checks shall be forwarded to the clerk of the court, who~~
 2408 ~~shall maintain the results in the guardian's file and make the~~



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2409 | ~~results available to the court and the Statewide Public~~
 2410 | ~~Guardianship Office.~~

2411 | (4)

2412 | (b) All fingerprints electronically submitted to the
 2413 | Department of Law Enforcement under this section shall be
 2414 | retained by the Department of Law Enforcement in a manner
 2415 | provided by rule and entered in the statewide automated
 2416 | biometric fingerprint identification system authorized by s.
 2417 | 943.05(2)(b). The fingerprints shall thereafter be available for
 2418 | all purposes and uses authorized for arrest fingerprints
 2419 | ~~fingerprint cards~~ entered in the Criminal Justice Information
 2420 | Program under s. 943.051.

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



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2437 | procedures for the retention of professional guardian
 2438 | fingerprints and the dissemination of search results shall be
 2439 | established by rule of the Department of Law Enforcement. At
 2440 | least once every 5 years, the Statewide Public Guardianship
 2441 | Office must request that the Department of Law Enforcement
 2442 | forward the fingerprints maintained under this section to the
 2443 | Federal Bureau of Investigation.

2444 | Section 59. Paragraph (b) of subsection (5) of section
 2445 | 775.21, Florida Statutes, is amended to read:

2446 | 775.21 The Florida Sexual Predators Act.—

2447 | (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
 2448 | as a sexual predator as follows:

2449 | (b) If a sexual predator is not sentenced to a term of
 2450 | imprisonment, the clerk of the court shall ensure that the
 2451 | sexual predator's fingerprints are taken and forwarded to the
 2452 | department within 48 hours after the court renders its written
 2453 | sexual predator finding. The fingerprints ~~fingerprint card~~ shall
 2454 | be clearly marked, "Sexual Predator Registration ~~Card~~." The
 2455 | clerk of the court that convicts and sentences the sexual
 2456 | predator for the offense or offenses described in subsection (4)
 2457 | shall forward to the department and to the Department of
 2458 | Corrections a certified copy of any order entered by the court
 2459 | imposing any special condition or restriction on the sexual
 2460 | predator that ~~which~~ restricts or prohibits access to the victim,
 2461 | if the victim is a minor, or to other minors.

2462 | Section 60. Paragraph (d) of subsection (3) of section
 2463 | 775.261, Florida Statutes, is amended to read:

2464 | 775.261 The Florida Career Offender Registration Act.—



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2465 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

2466 (d) If a career offender is not sentenced to a term of
 2467 imprisonment, the clerk of the court shall ensure that the
 2468 career offender's fingerprints are taken and forwarded to the
 2469 department within 48 hours after the court renders its finding
 2470 that an offender is a career offender. The fingerprints
 2471 ~~fingerprint card~~ shall be clearly marked, "Career Offender
 2472 Registration Card."

2473 Section 61. Paragraph (a) of subsection (11) of section
 2474 790.06, Florida Statutes, is amended to read:

2475 790.06 License to carry concealed weapon or firearm.—

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



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2493 on or before its expiration date must renew his or her license
 2494 by paying a late fee of \$15. A license may not be renewed 180
 2495 days or more after its expiration date, and such a license is
 2496 deemed to be permanently expired. A person whose license has
 2497 been permanently expired may reapply for licensure; however, an
 2498 application for licensure and fees under subsection (5) must be
 2499 submitted, and a background investigation shall be conducted
 2500 pursuant to this section. A person who knowingly files false
 2501 information under this subsection is subject to criminal
 2502 prosecution under s. 837.06.

2503 Section 62. Subsection (3) of section 944.607, Florida
 2504 Statutes, is amended to read:

2505 944.607 Notification to Department of Law Enforcement of
 2506 information on sexual offenders.—

2507 (3) If a sexual offender is not sentenced to a term of
 2508 imprisonment, the clerk of the court shall ensure that the
 2509 sexual offender's fingerprints are taken and forwarded to the
 2510 Department of Law Enforcement within 48 hours after the court
 2511 sentences the offender. The fingerprints ~~fingerpr~~~~int~~ ~~card~~ shall
 2512 be clearly marked "Sexual Offender Registration ~~Card~~."

2513 Section 63. Subsection (2) of section 944.608, Florida
 2514 Statutes, is amended to read:

2515 944.608 Notification to Department of Law Enforcement of
 2516 information on career offenders.—

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



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2521 sentences the career offender. The fingerprints ~~fingerprint card~~
 2522 shall be clearly marked "Career Offender Registration ~~Card.~~"

2523 Section 64. Paragraph (b) of subsection (1) of section
 2524 985.11, Florida Statutes, is amended to read:

2525 985.11 Fingerprinting and photographing.—

2526 (1)

2527 (b) A child who is charged with or found to have committed
 2528 one of the following offenses shall be fingerprinted, and the
 2529 fingerprints shall be submitted to the Department of Law
 2530 Enforcement as provided in s. 943.051(3)(b):

2531 1. Assault, as defined in s. 784.011.

2532 2. Battery, as defined in s. 784.03.

2533 3. Carrying a concealed weapon, as defined in s.
 2534 790.01(1).

2535 4. Unlawful use of destructive devices or bombs, as
 2536 defined in s. 790.1615(1).

2537 5. ~~Neglect~~ Negligent treatment of a child ~~children~~, as
 2538 defined in s. 827.03(1)(e) ~~former s. 827.05~~.

2539 6. Assault on a law enforcement officer, a firefighter, or
 2540 other specified officers, as defined in s. 784.07(2)(a).

2541 7. Open carrying of a weapon, as defined in s. 790.053.

2542 8. Exposure of sexual organs, as defined in s. 800.03.

2543 9. Unlawful possession of a firearm, as defined in s.
 2544 790.22(5).

2545 10. Petit theft, as defined in s. 812.014.

2546 11. Cruelty to animals, as defined in s. 828.12(1).

2547 12. Arson, resulting in bodily harm to a firefighter, as
 2548 defined in s. 806.031(1).



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2549 | 13. Unlawful possession or discharge of a weapon or
2550 | firearm at a school-sponsored event or on school property as
2551 | defined in s. 790.115.
2552 |
2553 | A law enforcement agency may fingerprint and photograph a child
2554 | taken into custody upon probable cause that such child has
2555 | committed any other violation of law, as the agency deems
2556 | appropriate. Such fingerprint records and photographs shall be
2557 | retained by the law enforcement agency in a separate file, and
2558 | these records and all copies thereof must be marked "Juvenile
2559 | Confidential." These records are not available for public
2560 | disclosure and inspection under s. 119.07(1) except as provided
2561 | in ss. 943.053 and 985.04(2), but shall be available to other
2562 | law enforcement agencies, criminal justice agencies, state
2563 | attorneys, the courts, the child, the parents or legal
2564 | custodians of the child, their attorneys, and any other person
2565 | authorized by the court to have access to such records. In
2566 | addition, such records may be submitted to the Department of Law
2567 | Enforcement for inclusion in the state criminal history records
2568 | and used by criminal justice agencies for criminal justice
2569 | purposes. These records may, in the discretion of the court, be
2570 | open to inspection by anyone upon a showing of cause. The
2571 | fingerprint and photograph records shall be produced in the
2572 | court whenever directed by the court. Any photograph taken
2573 | pursuant to this section may be shown by a law enforcement
2574 | officer to any victim or witness of a crime for the purpose of
2575 | identifying the person who committed such crime.
2576 | Section 65. Paragraphs (c) and (e) of subsection (3) of



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



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2605 | the department to the Department of Law Enforcement within 6
 2606 | months after the date of the change in the person's employment
 2607 | status. Fingerprint information for persons identified by the
 2608 | department in the notice shall be removed from the statewide
 2609 | automated biometric identification ~~fingerprint~~ system.

2610 | Section 66. Subsection (3) of section 985.4815, Florida
 2611 | Statutes, is amended to read:

2612 | 985.4815 Notification to Department of Law Enforcement of
 2613 | information on juvenile sexual offenders.—

2614 | (3) If a sexual offender is not sentenced to a term of
 2615 | residential commitment, the clerk of the court shall ensure that
 2616 | the sexual offender's fingerprints are taken and forwarded to
 2617 | the Department of Law Enforcement within 48 hours after the
 2618 | court sentences the offender. The fingerprints ~~fingerprint card~~
 2619 | shall be clearly marked "Sexual Offender Registration ~~Card~~."

2620 | Section 67. Paragraph (b) of subsection (6) of section
 2621 | 1002.395, Florida Statutes, is amended to read:

2622 | 1002.395 Florida Tax Credit Scholarship Program.—

2623 | (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 2624 | ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 2625 | organization:

2626 | (b) Must comply with the following background check
 2627 | requirements:

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



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2633 and can be taken by an authorized law enforcement agency or by
2634 an employee of the eligible nonprofit scholarship-funding
2635 organization or a private company who is trained to take
2636 fingerprints. However, the complete set of fingerprints of an
2637 owner or operator may not be taken by the owner or operator. The
2638 results of the state and national criminal history check shall
2639 be provided to the Department of Education for screening under
2640 chapter 435. The cost of the background screening may be borne
2641 by the eligible nonprofit scholarship-funding organization or
2642 the owner or operator.

2643 2. Every 5 years following employment or engagement to
2644 provide services or association with an eligible nonprofit
2645 scholarship-funding organization, each owner or operator must
2646 meet level 2 screening standards as described in s. 435.04, at
2647 which time the nonprofit scholarship-funding organization shall
2648 request the Department of Law Enforcement to forward the
2649 fingerprints to the Federal Bureau of Investigation for level 2
2650 screening. If the fingerprints of an owner or operator are not
2651 retained by the Department of Law Enforcement under subparagraph
2652 3., the owner or operator must electronically file a complete
2653 set of fingerprints with the Department of Law Enforcement. Upon
2654 submission of fingerprints for this purpose, the eligible
2655 nonprofit scholarship-funding organization shall request that
2656 the Department of Law Enforcement forward the fingerprints to
2657 the Federal Bureau of Investigation for level 2 screening, and
2658 the fingerprints shall be retained by the Department of Law
2659 Enforcement under subparagraph 3.

2660 3. ~~Beginning July 1, 2007,~~ All fingerprints submitted to



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2661 the Department of Law Enforcement as required by this paragraph
 2662 must be retained by the Department of Law Enforcement in a
 2663 manner approved by rule and entered in the statewide automated
 2664 biometric fingerprint identification system authorized by s.
 2665 943.05(2)(b). The fingerprints must thereafter be available for
 2666 all purposes and uses authorized for arrest fingerprints
 2667 ~~fingerprint cards~~ entered in the statewide automated biometric
 2668 ~~fingerprint~~ identification system pursuant to s. 943.051.

2669 4. ~~Beginning July 1, 2007,~~ The Department of Law
 2670 Enforcement shall search all arrest fingerprints ~~fingerprint~~
 2671 ~~cards~~ received under s. 943.051 against the fingerprints
 2672 retained in the statewide automated biometric fingerprint
 2673 identification system under subparagraph 3. Any arrest record
 2674 that is identified with an owner's or operator's fingerprints
 2675 must be reported to the Department of Education. The Department
 2676 of Education shall participate in this search process by paying
 2677 an annual fee to the Department of Law Enforcement and by
 2678 informing the Department of Law Enforcement of any change in the
 2679 employment, engagement, or association status of the owners or
 2680 operators whose fingerprints are retained under subparagraph 3.
 2681 The Department of Law Enforcement shall adopt a rule setting the
 2682 amount of the annual fee to be imposed upon the Department of
 2683 Education for performing these services and establishing the
 2684 procedures for the retention of owner and operator fingerprints
 2685 and the dissemination of search results. The fee may be borne by
 2686 the owner or operator of the nonprofit scholarship-funding
 2687 organization.

2688 5. A nonprofit scholarship-funding organization whose



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2689 owner or operator fails the level 2 background screening shall
 2690 not be eligible to provide scholarships under this section.

2691 6. A nonprofit scholarship-funding organization whose
 2692 owner or operator in the last 7 years has filed for personal
 2693 bankruptcy or corporate bankruptcy in a corporation of which he
 2694 or she owned more than 20 percent shall not be eligible to
 2695 provide scholarships under this section.

2696
 2697 Any and all information and documentation provided to the
 2698 Department of Education and the Auditor General relating to the
 2699 identity of a taxpayer that provides an eligible contribution
 2700 under this section shall remain confidential at all times in
 2701 accordance with s. 213.053.

2702 Section 68. Paragraphs (a) and (b) of subsection (3) of
 2703 section 1002.421, Florida Statutes, are amended to read:

2704 1002.421 Accountability of private schools participating
 2705 in state school choice scholarship programs.—

2706 (3) (a) ~~Beginning July 1, 2007,~~ All fingerprints submitted
 2707 to the Department of Law Enforcement as required by this section
 2708 shall be retained by the Department of Law Enforcement in a
 2709 manner provided by rule and entered in the statewide automated
 2710 biometric fingerprint identification system authorized by s.
 2711 943.05(2) (b). Such fingerprints shall thereafter be available
 2712 for all purposes and uses authorized for arrest fingerprints
 2713 ~~fingerprint cards~~ entered in the statewide automated biometric
 2714 ~~fingerprint~~ identification system pursuant to s. 943.051.

2715 (b) ~~Beginning July 1, 2007,~~ The Department of Law
 2716 Enforcement shall search all arrest fingerprints ~~fingerprint~~



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2717 | ~~cards~~ received under s. 943.051 against the fingerprints
 2718 | retained in the statewide automated biometric fingerprint
 2719 | identification system under paragraph (a). Any arrest record
 2720 | that is identified with the retained fingerprints of a person
 2721 | subject to the background screening under this section shall be
 2722 | reported to the employing school with which the person is
 2723 | affiliated. Each private school participating in a scholarship
 2724 | program is required to participate in this search process by
 2725 | informing the Department of Law Enforcement of any change in the
 2726 | employment or contractual status of its personnel whose
 2727 | fingerprints are retained under paragraph (a). The Department of
 2728 | Law Enforcement shall adopt a rule setting the amount of the
 2729 | annual fee to be imposed upon each private school for performing
 2730 | these searches and establishing the procedures for the retention
 2731 | of private school employee and contracted personnel fingerprints
 2732 | and the dissemination of search results. The fee may be borne by
 2733 | the private school or the person fingerprinted.

2734 | Section 69. Paragraphs (a) and (b) of subsection (3) of
 2735 | section 1012.32, Florida Statutes, are amended to read:

2736 | 1012.32 Qualifications of personnel.—

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



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2745 | ~~fingerprint~~ identification system pursuant to s. 943.051.
 2746 | (b) ~~Beginning December 15, 2004,~~ The Department of Law
 2747 | Enforcement shall search all arrest fingerprints ~~fingerprint~~
 2748 | ~~cards~~ received under s. 943.051 against the fingerprints
 2749 | retained in the statewide automated biometric ~~fingerprint~~
 2750 | identification system under paragraph (a). Any arrest record
 2751 | that is identified with the retained fingerprints of a person
 2752 | subject to the background screening under this section shall be
 2753 | reported to the employing or contracting school district or the
 2754 | school district with which the person is affiliated. Each school
 2755 | district is required to participate in this search process by
 2756 | payment of an annual fee to the Department of Law Enforcement
 2757 | and by informing the Department of Law Enforcement of any change
 2758 | in the affiliation, employment, or contractual status or place
 2759 | of affiliation, employment, or contracting of its instructional
 2760 | and noninstructional personnel whose fingerprints are retained
 2761 | under paragraph (a). The Department of Law Enforcement shall
 2762 | adopt a rule setting the amount of the annual fee to be imposed
 2763 | upon each school district for performing these searches and
 2764 | establishing the procedures for the retention of instructional
 2765 | and noninstructional personnel fingerprints and the
 2766 | dissemination of search results. The fee may be borne by the
 2767 | district school board, the contractor, or the person
 2768 | fingerprinted.

2769 | Section 70. Paragraphs (b), (c), and (e) of subsection (2)
 2770 | of section 1012.467, Florida Statutes, are amended to read:

2771 | 1012.467 Noninstructional contractors who are permitted
 2772 | access to school grounds when students are present; background



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2773 screening requirements.-
 2774 (2)
 2775 (b) As authorized by law, the Department of Law
 2776 Enforcement shall retain the fingerprints submitted by the
 2777 school districts pursuant to this subsection to the Department
 2778 of Law Enforcement for a criminal history background screening
 2779 in a manner provided by rule and enter the fingerprints in the
 2780 statewide automated biometric ~~fingerpr~~ identification system
 2781 authorized by s. 943.05(2) (b). The fingerprints shall thereafter
 2782 be available for all purposes and uses authorized for arrest
 2783 fingerprints ~~fingerpr~~ cards entered into the statewide
 2784 automated biometric ~~fingerpr~~ identification system under s.
 2785 943.051.
 2786 (c) As authorized by law, the Department of Law
 2787 Enforcement shall search all arrest fingerprints ~~fingerpr~~
 2788 ~~cards~~ received under s. 943.051 against the fingerprints
 2789 retained in the statewide automated biometric ~~fingerpr~~
 2790 identification system under paragraph (b).
 2791 (e) A fingerprint retained pursuant to this subsection
 2792 shall be purged from the automated biometric ~~fingerpr~~
 2793 identification system 5 years following the date the fingerprint
 2794 was initially submitted. The Department of Law Enforcement shall
 2795 set the amount of the annual fee to be imposed upon each
 2796 participating agency for performing these searches and
 2797 establishing the procedures for retaining fingerprints and
 2798 disseminating search results. The fee may be borne as provided
 2799 by law. Fees may be waived or reduced by the executive director
 2800 of the Department of Law Enforcement for good cause shown.



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