



Criminal Justice Subcommittee

**Tuesday 12, 2013
10:00 AM**

404 HOB

Action Packet

**Will W. Weatherford
Speaker**

**Matt Gaetz
Chair**

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

Summary:

Criminal Justice Subcommittee

Tuesday March 12, 2013 10:00 am

HB 159	Favorable With Committee Substitute	Yeas: 8	Nays: 5
	Amendment 697607	Adopted Without Objection	
	Amendment 330353	Adopted Without Objection	
	Amendment 894381	Adopted Without Objection	
HB 585	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 949067	Adopted Without Objection	
HB 617	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 779263	Adopted Without Objection	
HB 757	Favorable	Yeas: 13	Nays: 0
HB 785	Favorable With Committee Substitute	Yeas: 12	Nays: 1
	Amendment 854785	Adopted Without Objection	
HB 829	Favorable With Committee Substitute	Yeas: 10	Nays: 2
	Amendment 038035	Adopted Without Objection	
	Amendment 886859	Adopted Without Objection	
HB 851	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 354849	Adopted Without Objection	
HB 953	Favorable With Committee Substitute	Yeas: 11	Nays: 0
	Amendment 553169	Adopted Without Objection	

Committee meeting was reported out: Tuesday, March 12, 2013 3:27:26PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Matt Gaetz (Chair)	X		
Randolph Bracy	X		
Michael Clelland	X		
Dane Eagle	X		
James Grant	X		
Gayle Harrell	X		
Charles Hood, Jr.	X		
Travis Hutson	X		
Dave Kerner	X		
Kionne McGhee	X		
Ray Pilon	X		
Irving Slosberg	X		
Charles Van Zant	X		
Totals:	13	0	0

Committee meeting was reported out: Tuesday, March 12, 2013 3:27:26PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

HB 159 : Sentencing for Controlled Substance Violations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle		X			
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner		X			
Kionne McGhee	X				
Ray Pilon		X			
Irving Slosberg		X			
Charles Van Zant	X				
Matt Gaetz (Chair)		X			
Total Yeas: 8		Total Nays: 5			

HB 159 Amendments

Amendment 697607

Adopted Without Objection

Amendment 330353

Adopted Without Objection

Amendment 894381

Adopted Without Objection

Appearances:

Weissert, Robert (General Public) - Information Only
Vice President for Research, Florida TaxWatch
106 N Borough St
Tallahassee FL 32301
Phone: (850) 222-5052

Pitts, Brian (General Public) - Information Only
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, March 12, 2013 3:27:26PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

HB 159 : Sentencing for Controlled Substance Violations (continued)

Appearances: (continued)

Westfall, Eric (General Public) - Waive In Opposition
Lieutenant, Volusia County Sheriff's Office
123 W. Indiana Ave
Deland FL 32720
Phone: (386) 248-1777

Standfield, Stephen (General Public) - Information Only
Chair, Florida Association of Criminal Defense Lawyers
Gainesville FL 32608
Phone: (372) 372-6009

Newburn, Greg (General Public) - Information Only
Florida Project Director
P.O Box 142933
Gainesville FL 32614
Phone: (352) 682-2542

Gabbard, Jim (Lobbyist) - Information Only
The Florida Police Chiefs Association
P.O Box 14038
Tallahassee FL 32317
Phone: (850) 219-3640

Trammell, Robert (Lobbyist) (State Employee) - Information Only
General Counsel, Florida Public Defender Association, Inc
P.O Box 11057
Tallahassee FL 32302
Phone: (850) 510-2187

Bustle, Electra (Lobbyist) - Information Only
Florida Sheriffs Association
Tallahassee FL 32301
Phone: (850) 671-4401

Eddins, Bill (State Employee) - Information Only
State Attorney 1st Circuit
190 Government Center
Pensacola FL 32561
Phone: (850) 595-4761

Committee meeting was reported out: Tuesday, March 12, 2013 3:27:26PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 159 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

FAVORABLE
3/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice

2 Subcommittee

3 Representative Hood offered the following:

4
5 **Amendment**

6 Remove lines 42-44 and insert:

7 felony or a misdemeanor involving violence.

8 5. The provisions of this subsection have not been
9 previously invoked.

10 6. There was no evidence of possession with intent to
11 distribute.

12 7. The underlying quantity of prescription drugs evidenced
13 that the drugs were for personal use.
14

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 159 (2013)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

FAVORABLE
3/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee
3 Representative Hood offered the following:

Amendment

Remove lines 60-61 and insert:

7 7. Whether the defendant has a history of alcohol or
8 substance abuse.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 159 (2013)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

*FAVORABLE
3/12/13*

1 Committee/Subcommittee hearing bill: Criminal Justice

2 Subcommittee

3 Representative Grant offered the following:

4
5 **Amendment (with title amendment)**

6 Remove line 62 and insert:

7 (d) If a sentencing court departs from the mandatory
8 minimum term of imprisonment for a defendant convicted of a
9 violation of s. 893.135(1)(c)1.a., the court must, as part of
10 any sentence the court imposes, require the defendant to
11 successfully complete a postadjudicatory drug court program as
12 described in s. 397.334. If the defendant intends to reside in a
13 county that has not established a postadjudicatory drug court
14 program, the court must, as part of any sentence the court
15 imposes, sentence the defendant to drug offender probation as
16 described in s. 948.20(2).

17 (e) If the sentencing court grants the motion, the court
18
19
20

Amendment No. 3

21
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29

T I T L E A M E N D M E N T

Remove line 9 and insert:
mandatory minimum term of imprisonment; requiring a sentencing
court that departs from the mandatory minimum term of
imprisonment to, as part of any sentence imposed, require a
defendant to successfully complete a postadjudicatory drug court
or sentence the defendant to drug offender probation; requiring
a

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

HB 585 : Department of Law Enforcement

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 585 Amendments

Amendment 949067

Adopted Without Objection

Appearances:

Ramage, Michael (Lobbyist) - Waive In Support
Department of Law Enforcement
PO Box 1489
Tallahassee FL 32302-1489
Phone: (850) 410-7676

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

FAVORABLE
3/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Hood offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 125.5801 Criminal history record checks for certain county
10 employees and appointees.—

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

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

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

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

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

Amendment No. 1

46 166.0442 Criminal history record checks for certain
47 municipal employees and appointees.-

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

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

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

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

66 (2) The ordinance must require each person applying for,
67 or continuing employment or appointment in, any such position,
68 applying for initial or continuing licensing or regulation, or
69 having such contact or access to any such facility to be
70 fingerprinted. The fingerprints shall be submitted to the
71 Department of Law Enforcement for a state criminal history
72 record check and to the Federal Bureau of Investigation for a
73 national criminal history record check. The information obtained

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

74 | from the criminal history record checks conducted pursuant to
75 | the ordinance may be used by the municipality to determine a
76 | person's ~~an applicant's~~ eligibility for such employment or
77 | appointment and to determine a person's ~~an employee's~~
78 | eligibility for continued employment or appointment. This
79 | section is not intended to preempt or prevent any other
80 | background screening, including, but not limited to, criminal
81 | history background checks, that a municipality may lawfully
82 | undertake.

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

85 | 406.145 Unidentified persons; reporting requirements.—When
86 | an unidentified body is transported to a district medical
87 | examiner pursuant to this chapter, the medical examiner shall
88 | immediately report receipt of such body to the appropriate law
89 | enforcement agency, provided such law enforcement agency was not
90 | responsible for transportation of the body to the medical
91 | examiner. If the medical examiner cannot determine the law
92 | enforcement agency having jurisdiction, he or she shall notify
93 | the sheriff of the county in which the medical examiner is
94 | located, who shall determine the law enforcement agency
95 | responsible for the identification. It is the duty of the law
96 | enforcement officer assigned to and investigating the death to
97 | immediately establish the identity of the body. If the body is
98 | not immediately identified, the law enforcement agency
99 | responsible for investigating the death shall ~~complete an~~
100 | ~~Unidentified Person Report~~ and enter ~~the~~ data concerning the
101 | body, through the Florida Crime Information Center, into the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

102 Unidentified Person File of the National Crime Information
103 Center. ~~An Unidentified Person Report is that form identified by~~
104 ~~the Florida Department of Law Enforcement for use by law~~
105 ~~enforcement agencies in compiling information for entrance into~~
106 ~~the Unidentified Person File.~~

107 Section 4. Paragraphs (b), (d), and (e) of subsection (5)
108 of section 937.021, Florida Statutes, are amended to read:

109 937.021 Missing child and missing adult reports.—

110 (5)

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

130 information, or Silver Alert information is incomplete or
131 incorrect because the information received from the local law
132 enforcement agency was incomplete or incorrect.

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

142 Section 5. Paragraphs (d) and (e) of subsection (1) and
143 paragraph (a) of subsection (2) of section 937.024, Florida
144 Statutes, are amended to read:

145 937.024 Birth records of missing children; registrars'
146 duties.-

147 (1) The Office of Vital Statistics shall:

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

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

165 Section 6. Subsection (7) of section 937.025, Florida
166 Statutes, is amended to read:

167 937.025 Missing children; student records; reporting
168 requirements; penalties.—

169 (7) A person who knowingly provides false information
170 concerning a missing child or the efforts to locate and return a
171 missing child whose ~~to a~~ parent, family member, or guardian ~~of a~~
172 ~~child who has been~~ reported the child missing commits a
173 misdemeanor of the first degree, punishable as provided in s.
174 775.082 or s. 775.083.

175 Section 7. Section 937.028, Florida Statutes, is amended
176 to read:

177 937.028 Fingerprints; missing persons ~~children~~.—

178 (1) If fingerprints have been taken for the purpose of
179 identifying a child, in the event that child becomes missing,
180 the state agency, public or private organization, or other
181 person who took such fingerprints shall not release the
182 fingerprints to any law enforcement agency or other person for
183 any purpose other than the identification of a missing child.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

184 Such records and data are exempt from ~~the provisions of~~ s.
185 119.07(1).

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

196 Section 8. Paragraph (a) of subsection (6) and subsections
197 (12), (13), and (15) of section 943.03, Florida Statutes, are
198 amended to read:

199 943.03 Department of Law Enforcement.—

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

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

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

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

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

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

238

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

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

241 Section 9. Paragraph (c) of subsection (2), subsections
242 (4) and (5), paragraphs (b) and (c) of subsection (6), and
243 paragraphs (a), (b), and (e) of subsection (8) of section
244 943.031, Florida Statutes, are amended to read:

245 943.031 Florida Violent Crime and Drug Control Council.—

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

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

250

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

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

Amendment No. 1

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

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

273 1. Establishing a program that provides grants to criminal
274 justice agencies that develop and implement effective violent
275 crime prevention and investigative programs and which provides
276 grants to law enforcement agencies for the purpose of drug
277 control, criminal gang, and illicit money laundering
278 investigative efforts or task force efforts that are determined
279 by the council to significantly contribute to achieving the
280 state's goal of reducing drug-related crime, that represent
281 significant criminal gang investigative efforts, that represent
282 a significant illicit money laundering investigative effort, or
283 that otherwise significantly support statewide strategies
284 developed by the Statewide Drug Policy Advisory Council
285 established under s. 397.333, subject to the limitations
286 provided in this section. The grant program may include an
287 innovations grant program to provide startup funding for new
288 initiatives by local and state law enforcement agencies to
289 combat violent crime or to implement drug control, criminal
290 gang, or illicit money laundering investigative efforts or task
291 force efforts by law enforcement agencies, including, but not
292 limited to, initiatives such as:

293 a. Providing enhanced community-oriented policing.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

294 b. Providing additional undercover officers and other
295 investigative officers to assist with violent crime
296 investigations in emergency situations.

297 c. Providing funding for multiagency or statewide drug
298 control, criminal gang, or illicit money laundering
299 investigative efforts or task force efforts that cannot be
300 reasonably funded completely by alternative sources and that
301 significantly contribute to achieving the state's goal of
302 reducing drug-related crime, that represent significant criminal
303 gang investigative efforts, that represent a significant illicit
304 money laundering investigative effort, or that otherwise
305 significantly support statewide strategies developed by the
306 Statewide Drug Policy Advisory Council established under s.
307 397.333.

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

310 3. Identifying methods to prevent violent crime.

311 4. Identifying methods to enhance multiagency or statewide
312 drug control, criminal gang, or illicit money laundering
313 investigative efforts or task force efforts that significantly
314 contribute to achieving the state's goal of reducing drug-
315 related crime, that represent significant criminal gang
316 investigative efforts, that represent a significant illicit
317 money laundering investigative effort, or that otherwise
318 significantly support statewide strategies developed by the
319 Statewide Drug Policy Advisory Council established under s.
320 397.333.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

321 5. Enhancing criminal justice training programs that
322 address violent crime, drug control, illicit money laundering
323 investigative techniques, or efforts to control and eliminate
324 criminal gangs.

325 6. Developing and promoting crime prevention services and
326 educational programs that serve the public, including, but not
327 limited to:

328 a. Enhanced victim and witness counseling services that
329 also provide crisis intervention, information referral,
330 transportation, and emergency financial assistance.

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

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

340 (b) The full council shall:

341 1. Receive periodic reports from regional violent crime
342 investigation and statewide drug control strategy implementation
343 coordinating teams which relate to violent crime trends or the
344 investigative needs or successes in the regions, including
345 discussions regarding the activity of significant criminal gangs
346 in the region, factors, and trends relevant to the
347 implementation of the statewide drug strategy, and the results

Amendment No. 1

348 of drug control and illicit money laundering investigative
349 efforts funded in part by the council.

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

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

- 371 1. Involves multiple law enforcement agencies.
- 372 2. Reflects a dedicated significant investigative effort
373 on the part of each participating agency in personnel, time
374 devoted to the investigation, and agency resources dedicated to
375 the effort.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

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

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

383

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

389 (6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.-

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

404 investigation has been completed. The committee shall also
405 require ongoing status reports on ongoing investigations using
406 such findings in its closed sessions and may require a recipient
407 to return all or any portion of unexpended proactive funds to
408 the council.

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

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

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

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

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

432 ~~committee finds that the need for reimbursement is such that~~
433 ~~delaying until the next scheduled council meeting will adversely~~
434 ~~affect the requesting agency's ability to provide the protection~~
435 ~~services.~~

436 Section 10. Paragraph (b) of subsection (2) and paragraph
437 (d) of subsection (4) of section 943.0435, Florida Statutes, are
438 amended to read:

439 943.0435 Sexual offenders required to register with the
440 department; penalty.-

441 (2) A sexual offender shall:

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

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

472 2. If the sexual offender is enrolled, employed, or
473 carrying on a vocation at an institution of higher education in
474 this state, the sexual offender shall also provide to the
475 department through the sheriff's office the name, address, and
476 county of each institution, including each campus attended, and
477 the sexual offender's enrollment or employment status. Each
478 change in enrollment or employment status shall be reported in
479 person at the sheriff's office, within 48 hours after any change
480 in status. The sheriff shall promptly notify each institution of
481 the sexual offender's presence and any change in the sexual
482 offender's enrollment or employment status.

483

484 When a sexual offender reports at the sheriff's office, the
485 sheriff shall take a photograph and a set of fingerprints of the
486 offender and forward the photographs and fingerprints to the
487 department, along with the information provided by the sexual

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

488 offender. The sheriff shall promptly provide to the department
489 the information received from the sexual offender.

490 (4)

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

498 Section 11. Section 943.04351, Florida Statutes, is
499 amended to read:

500 943.04351 Search of registration information regarding
501 sexual predators and sexual offenders required before ~~prior to~~
502 appointment or employment.—A state agency or governmental
503 subdivision, before ~~prior to~~ making any decision to appoint or
504 employ a person to work, whether for compensation or as a
505 volunteer, at any park, playground, day care center, or other
506 place where children regularly congregate, must conduct a search
507 of that person's name or other identifying information against
508 the registration information regarding sexual predators and
509 sexual offenders through the Dru Sjodin National Sexual Offender
510 Public Website maintained by the United States Department of
511 Justice. If for any reason that site is not available, a search
512 of the registration information regarding sexual predators and
513 sexual offenders maintained by the Department of Law Enforcement
514 under s. 943.043 shall be performed. ~~The agency or governmental~~
515 ~~subdivision may conduct the search using the Internet site~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

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

520 Section 12. Paragraph (a) of subsection (2) of section
521 943.0438, Florida Statutes, is amended to read:

522 943.0438 Athletic coaches for independent sanctioning
523 authorities.—

524 (2) An independent sanctioning authority shall:

525 (a)1. Conduct a background screening of each current and
526 prospective athletic coach. No person shall be authorized by the
527 independent sanctioning authority to act as an athletic coach
528 ~~after July 1, 2010,~~ unless a background screening has been
529 conducted and did not result in disqualification under paragraph
530 (b). Background screenings shall be conducted annually for each
531 athletic coach. For purposes of this section, a background
532 screening shall be conducted with a search of the athletic
533 coach's name or other identifying information against state and
534 federal registries of sexual predators and sexual offenders,
535 which are available to the public on Internet sites provided by:

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

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

539 2. For purposes of this section, a background screening
540 conducted by a commercial consumer reporting agency in
541 compliance with the federal Fair Credit Reporting Act using the
542 identifying information referenced in subparagraph 1. and that
543 includes searching that information against the sexual predator

Amendment No. 1

544 and sexual offender Internet sites listed in sub-subparagraphs
545 1.a. and b. shall be deemed in compliance with the requirements
546 of this section.

547 Section 13. Section 943.045, Florida Statutes, is amended
548 to read:

549 943.045 Definitions; ss. 943.045-943.08.—The following
550 words and phrases as used in ss. 943.045-943.08 shall have the
551 following meanings:

552 (1)~~(15)~~ "Adjudicated guilty" means that a person has been
553 found guilty and that the court has not withheld an adjudication
554 of guilt.

555 (2) "Administration of criminal justice" means performing
556 functions of detection, apprehension, detention, pretrial
557 release, posttrial release, prosecution, adjudication,
558 correctional supervision, or rehabilitation of accused persons
559 or criminal offenders by governmental agencies. The
560 administration of criminal justice includes criminal
561 identification activities and the collection, processing,
562 storage, and dissemination of criminal justice information by
563 governmental agencies.

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

Amendment No. 1

570 ~~(4)(8)~~ "Comparable ordinance violation" means a violation
571 of an ordinance having all the essential elements of a statutory
572 misdemeanor or felony.

573 ~~(5)(4)~~ "Criminal history information" means information
574 collected by criminal justice agencies on persons, which
575 information consists of identifiable descriptions and notations
576 of arrests, detentions, indictments, informations, or other
577 formal criminal charges and the disposition thereof. The term
578 does not include identification information, such as biometric
579 ~~fingerprint~~ records, if the information does not indicate
580 involvement of the person in the criminal justice system.

581 ~~(6)(18)~~ "Criminal history record" means any nonjudicial
582 record maintained by a criminal justice agency containing
583 criminal history information.

584 ~~(7)(5)~~ "Criminal intelligence information" means
585 information collected by a criminal justice agency with respect
586 to an identifiable person or group in an effort to anticipate,
587 prevent, or monitor possible criminal activity.

588 ~~(8)(16)~~ "Criminal intelligence information system" means a
589 system, including the equipment, facilities, procedures,
590 agreements ~~agreement~~, and organizations thereof, for the
591 collection, processing, preservation, or dissemination of
592 criminal intelligence information.

593 ~~(9)(6)~~ "Criminal investigative information" means
594 information about an identifiable person or group, compiled by a
595 criminal justice agency in the course of conducting a criminal
596 investigation of a specific criminal act or omission, including,
597 but not limited to, information derived from laboratory tests,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

598 reports of investigators, informants, or any type of
599 surveillance.

600 ~~(10)(17)~~ "Criminal investigative information system" means
601 a system, including the equipment, facilities, procedures,
602 agreements, and organizations thereof, for the collection,
603 processing, preservation, or dissemination of criminal
604 investigative information.

605 ~~(11)(10)~~ "Criminal justice agency" means:

606 (a) A court.

607 (b) The department.

608 (c) The Department of Juvenile Justice.

609 (d) The protective investigations component of the
610 Department of Children and Families ~~Family Services~~, which
611 investigates the crimes of abuse and neglect.

612 (e) Any other governmental agency or subunit thereof that
613 ~~which~~ performs the administration of criminal justice pursuant
614 to a statute or rule of court and that ~~which~~ allocates a
615 substantial part of its annual budget to the administration of
616 criminal justice.

617 ~~(12)(3)~~ "Criminal justice information" means information
618 on individuals collected or disseminated as a result of arrest,
619 detention, or the initiation of a criminal proceeding by
620 criminal justice agencies, including arrest record information,
621 correctional and release information, criminal history record
622 information, conviction record information, offender
623 registration information, identification record information, and
624 wanted persons record information. The term does ~~shall~~ not
625 include statistical or analytical records or reports in which

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

626 individuals are not identified and from which their identities
627 are not ascertainable. The term does ~~shall~~ not include criminal
628 intelligence information or criminal investigative information.

629 (13)~~(1)~~ "Criminal justice information system" means a
630 system, including the equipment, facilities, procedures,
631 agreements, and organizations thereof, for the collection,
632 processing, preservation, or dissemination of criminal justice
633 information.

634 (14)~~(9)~~ "Disposition" means details relating to the
635 termination of an individual criminal defendant's relationship
636 with a criminal justice agency, including information disclosing
637 that the law enforcement agency has elected not to refer a
638 matter to a prosecutor or that a prosecutor has elected not to
639 commence criminal proceedings, that a court has dealt with the
640 individual, or that the individual has been incarcerated,
641 paroled, pardoned, released, or granted clemency. Dispositions
642 include, but are not limited to, acquittals, dismissals, pleas,
643 convictions, adjudications, youthful offender determinations,
644 determinations of mental capacity, placements in intervention
645 programs, pardons, probations, paroles, and releases from
646 correctional institutions.

647 (15)~~(11)~~ "Disseminate ~~Dissemination~~" means to transmit ~~the~~
648 ~~transmission of~~ information, whether orally or in writing.

649 (16)~~(13)~~ "Expunction of a criminal history record" means
650 the court-ordered physical destruction or obliteration of a
651 record or portion of a record by any criminal justice agency
652 having custody thereof, or as prescribed by the court issuing
653 the order, except that criminal history records in the custody

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

654 of the department must be retained in all cases for purposes of
655 evaluating subsequent requests by the subject of the record for
656 sealing or expunction, or for purposes of recreating the record
657 in the event an order to expunge is vacated by a court of
658 competent jurisdiction.

659 ~~(17)(7)~~ "Record" means any and all documents, writings,
660 computer memory, and microfilm, and any other form in which
661 facts are memorialized, irrespective of whether such record is
662 an official record, public record, or admissible record or is
663 merely a copy thereof.

664 ~~(18)(12)~~ "Research or statistical project" means any
665 program, project, or component the purpose of which is to
666 develop, measure, evaluate, or otherwise advance the state of
667 knowledge in a particular area. The term does not include
668 intelligence, investigative, or other information-gathering
669 activities in which information is obtained for purposes
670 directly related to enforcement of the criminal laws.

671 ~~(19)(14)~~ "Sealing of a criminal history record" means the
672 preservation of a record under such circumstances that it is
673 secure and inaccessible to any person not having a legal right
674 of access to the record or the information contained and
675 preserved therein.

676 Section 14. Paragraphs (b), (c), (d), (e), (g), and (h) of
677 subsection (2) and subsection (3) of section 943.05, Florida
678 Statutes, are amended, and subsection (4) of that section is
679 reenacted, to read:

680 943.05 Criminal Justice Information Program; duties; crime
681 reports.-

Amendment No. 1

682 (2) The program shall:

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

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

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

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

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

704 (d) Adopt rules to effectively and efficiently implement,
705 administer, manage, maintain, and use the automated biometric
706 ~~fingerprint~~ identification system and uniform offense reports
707 and arrest reports. The rules shall be considered minimum
708 requirements and shall not preclude a criminal justice agency
709 from implementing its own enhancements. However, rules and forms

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

710 prescribing uniform arrest or probable cause affidavits and
711 alcohol influence reports to be used by all law enforcement
712 agencies in making DUI arrests under s. 316.193 shall be
713 adopted, and ~~shall be used by all law enforcement agencies in~~
714 this state. ~~The rules and forms prescribing such uniform~~
715 ~~affidavits and reports shall be adopted and implemented by July~~
716 ~~1, 2004.~~ Failure to use these uniform affidavits and reports,
717 however, shall not prohibit prosecution under s. 316.193.

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

727 (g) Upon official written request, and subject to the
728 department having sufficient funds and equipment to participate
729 in such a request, from the agency executive director or
730 secretary or from his or her designee, or from qualified
731 entities participating in the volunteer and employee criminal
732 history screening system under s. 943.0542, or as otherwise
733 required by law, retain fingerprints submitted by criminal and
734 noncriminal justice agencies to the department for a criminal
735 history background screening as provided by rule and enter the
736 fingerprints in the statewide automated biometric fingerprint
737 identification system authorized by paragraph (b). Such

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

738 fingerprints shall thereafter be available for all purposes and
739 uses authorized for arrest fingerprint submissions entered into
740 the statewide automated biometric ~~fingerprint~~ identification
741 system pursuant to s. 943.051.

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

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

752 2. To participate in this search process, agencies or
753 qualified entities must notify each person fingerprinted that
754 his or her fingerprints will be retained, pay an annual fee to
755 the department unless otherwise provided by law, and inform the
756 department of any change in the affiliation, employment, or
757 contractual status of each person whose fingerprints are
758 retained under paragraph (g) if such change removes or
759 eliminates the agency or qualified entity's basis or need for
760 receiving reports of any arrest of that person, so that the
761 agency or qualified entity is not obligated to pay the upcoming
762 annual fee for the retention and searching of that person's
763 fingerprints to the department. The department shall adopt a
764 rule setting the amount of the annual fee to be imposed upon
765 each participating agency or qualified entity for performing

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

766 these searches and establishing the procedures for the retention
767 of fingerprints and the dissemination of search results. The fee
768 may be borne by the agency, qualified entity, or person subject
769 to fingerprint retention or as otherwise provided by law.

770 Consistent with the recognition of criminal justice agencies
771 expressed in s. 943.053(3), these services shall be provided to
772 criminal justice agencies for criminal justice purposes free of
773 charge. Qualified entities that elect to participate in the
774 fingerprint retention and search process are required to timely
775 remit the fee to the department by a payment mechanism approved
776 by the department. If requested by the qualified entity, and
777 with the approval of the department, such fees may be timely
778 remitted to the department by a qualified entity upon receipt of
779 an invoice for such fees from the department. Failure of a
780 qualified entity to pay the amount due on a timely basis or as
781 invoiced by the department may result in the refusal by the
782 department to permit the qualified entity to continue to
783 participate in the fingerprint retention and search process
784 until all fees due and owing are paid.

785 3. Agencies that participate in the fingerprint retention
786 and search process may adopt rules pursuant to ss. 120.536(1)
787 and 120.54 to require employers to keep the agency informed of
788 any change in the affiliation, employment, or contractual status
789 of each person whose fingerprints are retained under paragraph
790 (g) if such change removes or eliminates the agency's basis or
791 need for receiving reports of any arrest of that person, so that
792 the agency is not obligated to pay the upcoming annual fee for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

793 the retention and searching of that person's fingerprints to the
794 department.

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

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

813 Section 15. Subsections (2) and (3) of section 943.051,
814 Florida Statutes, are amended to read:

815 943.051 Criminal justice information; collection and
816 storage; fingerprinting.—

817 (2) The fingerprints, palm prints, and facial images of
818 each adult person charged with or convicted of a felony,
819 misdemeanor, or violation of a comparable ordinance by a state,
820 county, municipal, or other law enforcement agency shall be

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

821 captured fingerprinted, and electronically such fingerprints
822 ~~shall be~~ submitted to the department in the manner prescribed by
823 rule. Exceptions to this requirement for specified misdemeanors
824 or comparable ordinance violations may be made by the department
825 by rule.

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

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

- 837 1. Assault, as defined in s. 784.011.
- 838 2. Battery, as defined in s. 784.03.
- 839 3. Carrying a concealed weapon, as defined in s.
840 790.01(1).
- 841 4. Unlawful use of destructive devices or bombs, as
842 defined in s. 790.1615(1).
- 843 5. Neglect ~~Negligent treatment of a child~~ children, as
844 defined in s. 827.03(1)(e) ~~former s. 827.05~~.
- 845 6. Assault or battery on a law enforcement officer, a
846 firefighter, or other specified officers, as defined in s.
847 784.07(2)(a) and (b).
- 848 7. Open carrying of a weapon, as defined in s. 790.053.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

- 849 8. Exposure of sexual organs, as defined in s. 800.03.
850 9. Unlawful possession of a firearm, as defined in s.
851 790.22(5).
852 10. Petit theft, as defined in s. 812.014(3).
853 11. Cruelty to animals, as defined in s. 828.12(1).
854 12. Arson, as defined in s. 806.031(1).
855 13. Unlawful possession or discharge of a weapon or
856 firearm at a school-sponsored event or on school property, as
857 provided ~~defined~~ in s. 790.115.

858 Section 16. Section 943.052, Florida Statutes, is amended
859 to read:

860 943.052 Disposition reporting.—The Criminal Justice
861 Information Program shall, by rule, establish procedures and a
862 format for each criminal justice agency to monitor its records
863 and submit reports, as provided by this section, to the program.
864 The disposition report shall be developed by the program and
865 shall include the offender-based transaction system number.

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

877 | 2008, ~~a disposition report~~ for each dispositions relating to a
878 | minor offenders is mandatory.

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

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

890 | Section 17. Subsection (2), paragraph (a) of subsection
891 | (3), subsection (11), and paragraphs (a) and (c) of subsection
892 | (13) of section 943.053, Florida Statutes, are amended to read:

893 | 943.053 Dissemination of criminal justice information;
894 | fees.—

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

902 | (3) (a) Criminal history information, including information
903 | relating to minors, compiled by the Criminal Justice Information
904 | Program from intrastate sources shall be available on a priority

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

905 basis to criminal justice agencies for criminal justice purposes
906 free of charge. After providing the program with all known
907 personal identifying information, persons in the private sector
908 and noncriminal justice agencies may be provided criminal
909 history information upon tender of fees as established in this
910 subsection and in the manner prescribed by rule of the
911 Department of Law Enforcement. Any access to criminal history
912 information by the private sector or noncriminal justice
913 agencies as provided in this subsection shall be assessed
914 without regard to the quantity or category of criminal history
915 record information requested.

916 (11) A criminal justice agency that is authorized under
917 federal rules or law to conduct a criminal history background
918 check on an agency employee who is not certified by the Criminal
919 Justice Standards and Training Commission under s. 943.12 may
920 submit to the department the fingerprints of the noncertified
921 employee to obtain state and national criminal history
922 information. The fingerprints shall be retained and entered in
923 the statewide automated biometric fingerprint identification
924 system authorized by s. 943.05 and shall be available for all
925 purposes and uses authorized for arrest fingerprint submissions
926 entered in the statewide automated biometric fingerprint
927 identification system pursuant to s. 943.051. The department
928 shall search all arrest fingerprint submissions received
929 pursuant to s. 943.051 against the fingerprints retained in the
930 statewide automated biometric fingerprint identification system
931 pursuant to this section. In addition to all purposes and uses
932 authorized for arrest fingerprint submissions for which

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

933 submitted fingerprints may be used, any arrest record that is
934 identified with the retained employee fingerprints must be
935 reported to the submitting employing agency.

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

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

940 2. A private entity or public agency that submits the
941 fingerprints of its own employees, volunteers, contractors,
942 associates, or applicants for the purpose of conducting a
943 required or permitted criminal history background check,
944
945 the vendor, entity, or agency submitting the fingerprints must
946 enter into an agreement with the department that, at a minimum,
947 obligates the vendor, entity, or agency to comply with certain
948 specified standards to ensure that all persons having direct or
949 indirect responsibility for verifying identification, taking
950 fingerprints, identifying, and electronically submitting
951 fingerprints are qualified to do so and will ensure the
952 integrity and security of all personal information gathered from
953 the persons whose fingerprints are submitted.

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

957 Section 18. Paragraph (b) of subsection (1) of section
958 943.054, Florida Statutes, is amended to read:

959 943.054 Exchange of federal criminal history records and
960 information.-

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

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

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

974 Section 19. Paragraphs (b) and (c) of subsection (2) of
975 section 943.0542, Florida Statutes, are amended to read:

976 943.0542 Access to criminal history information provided
977 by the department to qualified entities.—

978 (2)

979 (b) A qualified entity shall submit to the department a
980 request for screening an employee or volunteer or person
981 applying to be an employee or volunteer by submitting
982 fingerprints ~~on a completed fingerprint card,~~ or the request may
983 be submitted electronically. The qualified entity must maintain
984 a signed waiver allowing the release of the state and national
985 criminal history record information to the qualified entity.

986 (c) Each such request must be accompanied by payment of a
987 fee for a statewide criminal history check by the department
988 established by s. 943.053, plus the amount currently prescribed

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

989 by the Federal Bureau of Investigation for the national criminal
990 history check in compliance with the National Child Protection
991 Act of 1993, as amended. Payments must be made in the manner
992 prescribed by the department by rule.

993 Section 20. Subsection (2) of section 943.0544, Florida
994 Statutes, is amended to read:

995 943.0544 Criminal justice information network and
996 information management.—

997 (2) The department may develop, implement, maintain,
998 manage, and operate the Criminal Justice Network, which shall be
999 an intrastate network for agency ~~intraagency~~ information and
1000 data sharing ~~data-sharing network~~ for use by the state's
1001 criminal justice agencies. The department, in consultation with
1002 the Criminal and Juvenile Justice Information Systems Council,
1003 shall determine and regulate access to the Criminal Justice
1004 Network by the state's criminal justice agencies.

1005 Section 21. Section 943.055, Florida Statutes, is amended
1006 to read:

1007 943.055 Records and audit.—

1008 (1) Criminal justice agencies disseminating criminal
1009 justice information derived from a Department of Law Enforcement
1010 criminal justice information system shall maintain a record of
1011 dissemination in accordance with the user agreements in s.
1012 943.0525 ~~rules adopted by the Department of Law Enforcement.~~

1013 (2) The Criminal Justice Information Program shall arrange
1014 for any audits of state and local criminal justice and
1015 noncriminal justice agencies necessary to ensure ~~assure~~
1016 compliance with federal laws and regulations, this chapter, and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1017 rules of the Department of Law Enforcement pertaining to the
1018 establishment, operation, security, and maintenance of criminal
1019 justice information systems.

1020 Section 22. Subsection (2) of section 943.056, Florida
1021 Statutes, is amended to read:

1022 943.056 ~~Access to, review and challenge of,~~ Criminal
1023 history records; access, review, and challenge.—

1024 (2) Criminal justice agencies subject to chapter 120 shall
1025 be subject to hearings regarding those portions of criminal
1026 history records for which the agency served as originator. When
1027 it is determined what the record should contain in order to be
1028 complete and accurate, the Criminal Justice Information Program
1029 shall be advised and shall conform state ~~and federal~~ records to
1030 the corrected criminal history record information and shall
1031 request that the federal records be corrected.

1032 Section 23. Paragraphs (b) and (c) of subsection (3) and
1033 subsections (5) and (6) of section 943.0582, Florida Statutes,
1034 are amended to read:

1035 943.0582 Prearrest, postarrest, or teen court diversion
1036 program expunction.—

1037 (3) The department shall expunge the nonjudicial arrest
1038 record of a minor who has successfully completed a prearrest or
1039 postarrest diversion program if that minor:

1040 (b) Submits the application for prearrest or postarrest
1041 diversion expunction no later than 12 ~~6~~ months after completion
1042 of the diversion program.

1043 (c) Submits to the department, with the application, an
1044 official written statement from the state attorney for the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1045 county in which the arrest occurred certifying that he or she
1046 has successfully completed that county's prearrest or postarrest
1047 diversion program, ~~and~~ that his or her participation in the
1048 program was based on an arrest is strictly limited to minors
1049 ~~arrested~~ for a nonviolent misdemeanor, and that he or she has
1050 ~~who have~~ not otherwise been charged with or found to have
1051 committed any criminal offense or comparable ordinance
1052 violation.

1053 ~~(5) This section operates retroactively to permit the~~
1054 ~~expunction of any nonjudicial record of the arrest of a minor~~
1055 ~~who has successfully completed a prearrest or postarrest~~
1056 ~~diversion program on or after July 1, 2000; however, in the case~~
1057 ~~of a minor whose completion of the program occurred before the~~
1058 ~~effective date of this section, the application for prearrest or~~
1059 ~~postarrest diversion expunction must be submitted within 6~~
1060 ~~months after the effective date of this section.~~

1061 ~~(5)(6)~~ Expunction or sealing granted under this section
1062 does not prevent the minor who receives such relief from
1063 petitioning for the expunction or sealing of a later criminal
1064 history record as provided for in ss. 943.0585 and 943.059, if
1065 the minor is otherwise eligible under those sections.

1066 Section 24. Paragraph (b) of subsection (1), paragraph (f)
1067 of subsection (2), and paragraph (a) of subsection (4) of
1068 section 943.0585, Florida Statutes, are amended to read:

1069 943.0585 Court-ordered expunction of criminal history
1070 records.—The courts of this state have jurisdiction over their
1071 own procedures, including the maintenance, expunction, and
1072 correction of judicial records containing criminal history

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1073 information to the extent such procedures are not inconsistent
1074 with the conditions, responsibilities, and duties established by
1075 this section. Any court of competent jurisdiction may order a
1076 criminal justice agency to expunge the criminal history record
1077 of a minor or an adult who complies with the requirements of
1078 this section. The court shall not order a criminal justice
1079 agency to expunge a criminal history record until the person
1080 seeking to expunge a criminal history record has applied for and
1081 received a certificate of eligibility for expunction pursuant to
1082 subsection (2). A criminal history record that relates to a
1083 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1084 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
1085 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
1086 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
1087 any violation specified as a predicate offense for registration
1088 as a sexual predator pursuant to s. 775.21, without regard to
1089 whether that offense alone is sufficient to require such
1090 registration, or for registration as a sexual offender pursuant
1091 to s. 943.0435, may not be expunged, without regard to whether
1092 adjudication was withheld, if the defendant was found guilty of
1093 or pled guilty or nolo contendere to the offense, or if the
1094 defendant, as a minor, was found to have committed, or pled
1095 guilty or nolo contendere to committing, the offense as a
1096 delinquent act. The court may only order expunction of a
1097 criminal history record pertaining to one arrest or one incident
1098 of alleged criminal activity, except as provided in this
1099 section. The court may, at its sole discretion, order the
1100 expunction of a criminal history record pertaining to more than

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1101 one arrest if the additional arrests directly relate to the
1102 original arrest. If the court intends to order the expunction of
1103 records pertaining to such additional arrests, such intent must
1104 be specified in the order. A criminal justice agency may not
1105 expunge any record pertaining to such additional arrests if the
1106 order to expunge does not articulate the intention of the court
1107 to expunge a record pertaining to more than one arrest. This
1108 section does not prevent the court from ordering the expunction
1109 of only a portion of a criminal history record pertaining to one
1110 arrest or one incident of alleged criminal activity.

1111 Notwithstanding any law to the contrary, a criminal justice
1112 agency may comply with laws, court orders, and official requests
1113 of other jurisdictions relating to expunction, correction, or
1114 confidential handling of criminal history records or information
1115 derived therefrom. This section does not confer any right to the
1116 expunction of any criminal history record, and any request for
1117 expunction of a criminal history record may be denied at the
1118 sole discretion of the court.

1119 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
1120 petition to a court to expunge a criminal history record is
1121 complete only when accompanied by:

1122 (b) The petitioner's sworn statement attesting that the
1123 petitioner:

1124 1. Has never, prior to the date on which the petition is
1125 filed, been adjudicated guilty of a criminal offense or
1126 comparable ordinance violation, or been adjudicated delinquent
1127 for committing any felony or a misdemeanor specified in s.
1128 943.051(3) (b).

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1129 2. Has not been adjudicated guilty of, or adjudicated
1130 delinquent for committing, any of the acts stemming from the
1131 arrest or alleged criminal activity to which the petition
1132 pertains.

1133 3. Has never secured a prior sealing or expunction of a
1134 criminal history record under this section, s. 943.059, former
1135 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~
1136 ~~jurisdiction outside the state~~, unless expunction is sought of a
1137 criminal history record previously sealed for 10 years pursuant
1138 to paragraph (2) (h) and the record is otherwise eligible for
1139 expunction.

1140 4. Is eligible for such an expunction to the best of his
1141 or her knowledge or belief and does not have any other petition
1142 to expunge or any petition to seal pending before any court.

1143
1144 Any person who knowingly provides false information on such
1145 sworn statement to the court commits a felony of the third
1146 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1147 775.084.

1148 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
1149 petitioning the court to expunge a criminal history record, a
1150 person seeking to expunge a criminal history record shall apply
1151 to the department for a certificate of eligibility for
1152 expunction. The department shall, by rule adopted pursuant to
1153 chapter 120, establish procedures pertaining to the application
1154 for and issuance of certificates of eligibility for expunction.
1155 A certificate of eligibility for expunction is valid for 12
1156 months after the date stamped on the certificate when issued by

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1157 the department. After that time, the petitioner must reapply to
1158 the department for a new certificate of eligibility. Eligibility
1159 for a renewed certification of eligibility must be based on the
1160 status of the applicant and the law in effect at the time of the
1161 renewal application. The department shall issue a certificate of
1162 eligibility for expunction to a person who is the subject of a
1163 criminal history record if that person:

1164 (f) Has never secured a prior sealing or expunction of a
1165 criminal history record under this section, s. 943.059, former
1166 s. 893.14, former s. 901.33, or former s. 943.058, unless
1167 expunction is sought of a criminal history record previously
1168 sealed for 10 years pursuant to paragraph (h) and the record is
1169 otherwise eligible for expunction.

1170 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
1171 criminal history record of a minor or an adult which is ordered
1172 expunged by a court of competent jurisdiction pursuant to this
1173 section must be physically destroyed or obliterated by any
1174 criminal justice agency having custody of such record; except
1175 that any criminal history record in the custody of the
1176 department must be retained in all cases. A criminal history
1177 record ordered expunged that is retained by the department is
1178 confidential and exempt from the provisions of s. 119.07(1) and
1179 s. 24(a), Art. I of the State Constitution and not available to
1180 any person or entity except upon order of a court of competent
1181 jurisdiction. A criminal justice agency may retain a notation
1182 indicating compliance with an order to expunge.

1183 (a) The person who is the subject of a criminal history
1184 record that is expunged under this section or under other

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1185 provisions of law, including former s. 893.14, former s. 901.33,
1186 and former s. 943.058, may lawfully deny or fail to acknowledge
1187 the arrests covered by the expunged record, except when the
1188 subject of the record:

1189 1. Is a candidate for employment with a criminal justice
1190 agency;

1191 2. Is a defendant in a criminal prosecution;

1192 3. Concurrently or subsequently petitions for relief under
1193 this section or s. 943.059;

1194 4. Is a candidate for admission to The Florida Bar;

1195 5. Is seeking to be employed or licensed by or to contract
1196 with the Department of Children and Families ~~Family Services~~,
1197 the Division of Vocational Rehabilitation within the Department
1198 of Education, the Agency for Health Care Administration, the
1199 Agency for Persons with Disabilities, the Department of Health,
1200 the Department of Elderly Affairs, or the Department of Juvenile
1201 Justice or to be employed or used by such contractor or licensee
1202 in a sensitive position having direct contact with children, the
1203 disabled, or the elderly; or

1204 6. Is seeking to be employed or licensed by the Department
1205 of Education, any district school board, any university
1206 laboratory school, any charter school, any private or parochial
1207 school, or any local governmental entity that licenses child
1208 care facilities; ~~or~~

1209 ~~7. Is seeking authorization from a seaport listed in s.~~
1210 ~~311.09 for employment within or access to one or more of such~~
1211 ~~seaports pursuant to s. 311.12.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1212 Section 25. Paragraph (b) of subsection (1), paragraph (e)
1213 of subsection (2), and paragraph (a) of subsection (4) of
1214 section 943.059, Florida Statutes, are amended to read:

1215 943.059 Court-ordered sealing of criminal history
1216 records.—The courts of this state shall continue to have
1217 jurisdiction over their own procedures, including the
1218 maintenance, sealing, and correction of judicial records
1219 containing criminal history information to the extent such
1220 procedures are not inconsistent with the conditions,
1221 responsibilities, and duties established by this section. Any
1222 court of competent jurisdiction may order a criminal justice
1223 agency to seal the criminal history record of a minor or an
1224 adult who complies with the requirements of this section. The
1225 court shall not order a criminal justice agency to seal a
1226 criminal history record until the person seeking to seal a
1227 criminal history record has applied for and received a
1228 certificate of eligibility for sealing pursuant to subsection
1229 (2). A criminal history record that relates to a violation of s.
1230 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
1231 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
1232 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
1233 916.1075, a violation enumerated in s. 907.041, or any violation
1234 specified as a predicate offense for registration as a sexual
1235 predator pursuant to s. 775.21, without regard to whether that
1236 offense alone is sufficient to require such registration, or for
1237 registration as a sexual offender pursuant to s. 943.0435, may
1238 not be sealed, without regard to whether adjudication was
1239 withheld, if the defendant was found guilty of or pled guilty or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1240 | nolo contendere to the offense, or if the defendant, as a minor,
1241 | was found to have committed or pled guilty or nolo contendere to
1242 | committing the offense as a delinquent act. The court may only
1243 | order sealing of a criminal history record pertaining to one
1244 | arrest or one incident of alleged criminal activity, except as
1245 | provided in this section. The court may, at its sole discretion,
1246 | order the sealing of a criminal history record pertaining to
1247 | more than one arrest if the additional arrests directly relate
1248 | to the original arrest. If the court intends to order the
1249 | sealing of records pertaining to such additional arrests, such
1250 | intent must be specified in the order. A criminal justice agency
1251 | may not seal any record pertaining to such additional arrests if
1252 | the order to seal does not articulate the intention of the court
1253 | to seal records pertaining to more than one arrest. This section
1254 | does not prevent the court from ordering the sealing of only a
1255 | portion of a criminal history record pertaining to one arrest or
1256 | one incident of alleged criminal activity. Notwithstanding any
1257 | law to the contrary, a criminal justice agency may comply with
1258 | laws, court orders, and official requests of other jurisdictions
1259 | relating to sealing, correction, or confidential handling of
1260 | criminal history records or information derived therefrom. This
1261 | section does not confer any right to the sealing of any criminal
1262 | history record, and any request for sealing a criminal history
1263 | record may be denied at the sole discretion of the court.

1264 | (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
1265 | petition to a court to seal a criminal history record is
1266 | complete only when accompanied by:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1267 (b) The petitioner's sworn statement attesting that the
1268 petitioner:

1269 1. Has never, prior to the date on which the petition is
1270 filed, been adjudicated guilty of a criminal offense or
1271 comparable ordinance violation, or been adjudicated delinquent
1272 for committing any felony or a misdemeanor specified in s.
1273 943.051(3)(b).

1274 2. Has not been adjudicated guilty of or adjudicated
1275 delinquent for committing any of the acts stemming from the
1276 arrest or alleged criminal activity to which the petition to
1277 seal pertains.

1278 3. Has never secured a prior sealing or expunction of a
1279 criminal history record under this section, s. 943.0585, former
1280 s. 893.14, former s. 901.33, or former s. 943.058, ~~or from any~~
1281 ~~jurisdiction outside the state.~~

1282 4. Is eligible for such a sealing to the best of his or
1283 her knowledge or belief and does not have any other petition to
1284 seal or any petition to expunge pending before any court.

1285
1286 Any person who knowingly provides false information on such
1287 sworn statement to the court commits a felony of the third
1288 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1289 775.084.

1290 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
1291 petitioning the court to seal a criminal history record, a
1292 person seeking to seal a criminal history record shall apply to
1293 the department for a certificate of eligibility for sealing. The
1294 department shall, by rule adopted pursuant to chapter 120,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1295 establish procedures pertaining to the application for and
1296 issuance of certificates of eligibility for sealing. A
1297 certificate of eligibility for sealing is valid for 12 months
1298 after the date stamped on the certificate when issued by the
1299 department. After that time, the petitioner must reapply to the
1300 department for a new certificate of eligibility. Eligibility for
1301 a renewed certification of eligibility must be based on the
1302 status of the applicant and the law in effect at the time of the
1303 renewal application. The department shall issue a certificate of
1304 eligibility for sealing to a person who is the subject of a
1305 criminal history record provided that such person:

1306 (e) Has never secured a prior sealing or expunction of a
1307 criminal history record under this section, s. 943.0585, former
1308 s. 893.14, former s. 901.33, or former s. 943.058.

1309 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
1310 history record of a minor or an adult which is ordered sealed by
1311 a court of competent jurisdiction pursuant to this section is
1312 confidential and exempt from the provisions of s. 119.07(1) and
1313 s. 24(a), Art. I of the State Constitution and is available only
1314 to the person who is the subject of the record, to the subject's
1315 attorney, to criminal justice agencies for their respective
1316 criminal justice purposes, which include conducting a criminal
1317 history background check for approval of firearms purchases or
1318 transfers as authorized by state or federal law, to judges in
1319 the state courts system for the purpose of assisting them in
1320 their case-related decisionmaking responsibilities, as set forth
1321 in s. 943.053(5), or to those entities set forth in

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1322 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
1323 licensing, access authorization, and employment purposes.

1324 (a) The subject of a criminal history record sealed under
1325 this section or under other provisions of law, including former
1326 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
1327 deny or fail to acknowledge the arrests covered by the sealed
1328 record, except when the subject of the record:

1329 1. Is a candidate for employment with a criminal justice
1330 agency;

1331 2. Is a defendant in a criminal prosecution;

1332 3. Concurrently or subsequently petitions for relief under
1333 this section or s. 943.0585;

1334 4. Is a candidate for admission to The Florida Bar;

1335 5. Is seeking to be employed or licensed by or to contract
1336 with the Department of Children and Families ~~Family Services~~,
1337 the Division of Vocational Rehabilitation within the Department
1338 of Education, the Agency for Health Care Administration, the
1339 Agency for Persons with Disabilities, the Department of Health,
1340 the Department of Elderly Affairs, or the Department of Juvenile
1341 Justice or to be employed or used by such contractor or licensee
1342 in a sensitive position having direct contact with children, the
1343 disabled, or the elderly;

1344 6. Is seeking to be employed or licensed by the Department
1345 of Education, any district school board, any university
1346 laboratory school, any charter school, any private or parochial
1347 school, or any local governmental entity that licenses child
1348 care facilities; or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1349 7. Is attempting to purchase a firearm from a licensed
1350 importer, licensed manufacturer, or licensed dealer and is
1351 subject to a criminal history check under state or federal law~~+~~
1352 ~~or~~

1353 ~~8. Is seeking authorization from a Florida seaport~~
1354 ~~identified in s. 311.09 for employment within or access to one~~
1355 ~~or more of such seaports pursuant to s. 311.12.~~

1356 Section 26. Section 943.125, Florida Statutes, is amended
1357 to read:

1358 943.125 Accreditation of state and local law enforcement
1359 agencies, correctional facilities, public agency offices of
1360 inspectors general, and certain pretrial diversion programs ~~Law~~
1361 ~~enforcement agency accreditation; intent.-~~

1362 (1) It is the intent of the Legislature that law
1363 enforcement agencies, correctional facilities, public agency
1364 offices of inspectors general, and those agencies offering
1365 pretrial diversion programs within offices of the state
1366 attorneys, county government, or sheriff's offices in the state
1367 be upgraded and strengthened through the adoption of meaningful
1368 standards of operation for those agencies and their functions.

1369 (2) It is the further intent of the Legislature that these
1370 ~~law enforcement~~ agencies voluntarily adopt standards designed to
1371 promote enhanced professionalism:

1372 (a) For equal and fair law enforcement, to maximize the
1373 capability of law enforcement agencies to enforce the law and
1374 prevent and control criminal activities, ~~and to increase~~
1375 ~~interagency cooperation throughout the state.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1376 (b) For correctional facilities, to maintain best
1377 practices for the care, custody, and control of inmates.

1378 (c) Within public agency offices of inspector general, to
1379 promote more effective scrutiny of public agency operations and
1380 greater accountability of those serving in those agencies.

1381 (d) In the operation and management of pretrial diversion
1382 programs offered by and through the state attorney's offices,
1383 county government, or sheriff's offices.

1384 ~~(3) It is further the intent of~~ The Legislature also
1385 intends to encourage the continuation of a voluntary state
1386 accreditation program to facilitate the enhanced professionalism
1387 identified in subsection (2) Florida Sheriffs Association and
1388 the Florida Police Chiefs Association to develop, either jointly
1389 or separately, a law enforcement agency accreditation program.
1390 Other than the staff support by the department as authorized in
1391 subsection (5), the accreditation program must be independent of
1392 any law enforcement agency, the Department of Corrections, the
1393 Florida Sheriffs Association, or the Florida Police Chiefs
1394 Association.

1395 (4) The law enforcement accreditation program must
1396 address, at a minimum, the following aspects of law enforcement:

- 1397 (a) Vehicle pursuits.
1398 (b) Seizure and forfeiture of contraband articles.
1399 (c) Recording and processing citizens' complaints.
1400 (d) Use of force.
1401 (e) Traffic stops.
1402 (f) Handling natural and manmade disasters.
1403 (g) Special operations.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

- 1404 (h) Prisoner transfer.
- 1405 (i) Collection and preservation of evidence.
- 1406 (j) Recruitment and selection.
- 1407 (k) Officer training.
- 1408 (l) Performance evaluations.
- 1409 (m) Law enforcement disciplinary procedures and rights.
- 1410 (n) Use of criminal investigative funds.
- 1411 (5) Subject to available funding, the department shall
- 1412 employ and assign adequate support staff to the Commission for
- 1413 Florida Law Enforcement Accreditation, Inc., and the Florida
- 1414 Corrections Accreditation Commission, Inc., in support of the
- 1415 accreditation programs established in this section.
- 1416 (6) Accreditation standards related to law enforcement and
- 1417 inspectors general used by the accreditation programs
- 1418 established in this section shall be determined by the
- 1419 Commission for Florida Law Enforcement Accreditation, Inc.
- 1420 Accreditation standards related to corrections functions and
- 1421 pretrial diversion programs shall be determined by the Florida
- 1422 Corrections Accreditation Commission, Inc.
- 1423 Section 27. Subsection (5) of section 943.13, Florida
- 1424 Statutes, is amended to read:
- 1425 943.13 Officers' minimum qualifications for employment or
- 1426 appointment.—On or after October 1, 1984, any person employed or
- 1427 appointed as a full-time, part-time, or auxiliary law
- 1428 enforcement officer or correctional officer; on or after October
- 1429 1, 1986, any person employed as a full-time, part-time, or
- 1430 auxiliary correctional probation officer; and on or after
- 1431 October 1, 1986, any person employed as a full-time, part-time,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1432 or auxiliary correctional officer by a private entity under
1433 contract to the Department of Corrections, to a county
1434 commission, or to the Department of Management Services shall:

1435 (5) Have documentation of his or her processed
1436 fingerprints on file with the employing agency or, if a private
1437 correctional officer, have documentation of his or her processed
1438 fingerprints on file with the Department of Corrections or the
1439 Criminal Justice Standards and Training Commission. ~~If~~
1440 ~~administrative delays are caused by the department or the~~
1441 ~~Federal Bureau of Investigation and the person has complied with~~
1442 ~~subsections (1)-(4) and (6)-(9), he or she may be employed or~~
1443 ~~appointed for a period not to exceed 1 calendar year from the~~
1444 ~~date he or she was employed or appointed or until return of the~~
1445 ~~processed fingerprints documenting noncompliance with~~
1446 ~~subsections (1)-(4) or subsection (7), whichever occurs first.~~
1447 Beginning January 15, 2007, The department shall retain and
1448 enter into the statewide automated biometric fingerprint
1449 identification system authorized by s. 943.05 all fingerprints
1450 submitted to the department as required by this section.
1451 Thereafter, the fingerprints shall be available for all purposes
1452 and uses authorized for arrest fingerprints ~~fingerprint cards~~
1453 entered in the statewide automated biometric fingerprint
1454 identification system pursuant to s. 943.051. The department
1455 shall search all arrest fingerprints ~~fingerprint cards~~ received
1456 pursuant to s. 943.051 against the fingerprints retained in the
1457 statewide automated biometric fingerprint identification system
1458 pursuant to this section and report to the employing agency any
1459 arrest records that are identified with the retained employee's

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1460 fingerprints. ~~By January 1, 2008, a person who must meet minimum~~
1461 ~~qualifications as provided in this section and whose~~
1462 ~~fingerprints are not retained by the department pursuant to this~~
1463 ~~section must be refingerprinted.~~ These fingerprints must be
1464 forwarded to the department for processing and retention.

1465 Section 28. Subsection (1) of section 943.132, Florida
1466 Statutes, is amended to read:

1467 943.132 Implementation of federal qualified active or
1468 qualified retired law enforcement concealed firearms provisions
1469 ~~Law Enforcement Officers Safety Act of 2004.~~

1470 (1) The commission shall by rule establish the manner in
1471 which Title 18, 44 U.S.C. ss. 926B and 926C, ~~the federal Law~~
1472 ~~Enforcement Officers Safety Act of 2004~~, relating to the
1473 carrying of concealed firearms by qualified law enforcement
1474 officers and qualified retired law enforcement officers, as
1475 defined in the act, shall be implemented in the state. In order
1476 to facilitate the implementation within the state of Title 18,
1477 44 U.S.C. ss. 926B and 926C, the commission shall ~~develop and~~
1478 authorize a uniform firearms proficiency verification card to be
1479 issued to persons who achieve a passing score on the firing
1480 range testing component as used ~~utilized~~ in the minimum firearms
1481 proficiency course applicable to active law enforcement
1482 officers, indicating the person's name and the date upon which
1483 he or she achieved the passing score. Each such card shall be
1484 issued only by firearms instructors with current certifications
1485 from ~~certified by~~ the commission.

1486 Section 29. Paragraph (a) of subsection (6) of section
1487 943.1395, Florida Statutes, is amended to read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1488 943.1395 Certification for employment or appointment;
1489 concurrent certification; reemployment or reappointment;
1490 inactive status; revocation; suspension; investigation.—

1491 (6) The commission shall revoke the certification of any
1492 officer who is not in compliance with the provisions of s.
1493 943.13(4) or who intentionally executes a false affidavit
1494 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

1495 (a) The commission shall cause to be investigated any
1496 ground for revocation from the employing agency pursuant to s.
1497 943.139 or from the Governor, and the commission may cause
1498 ~~investigate~~ verifiable complaints to be investigated. Any
1499 investigation initiated by the commission pursuant to this
1500 section must be completed within 6 months after receipt of the
1501 completed report of the disciplinary or internal affairs
1502 investigation from the employing agency or Governor's office. A
1503 verifiable complaint shall be completed within 1 year after
1504 receipt of the complaint. An investigation shall be considered
1505 completed upon a finding by a probable cause panel of the
1506 commission. These time periods shall be tolled during the appeal
1507 of a termination or other disciplinary action through the
1508 administrative or judicial process or during the period of any
1509 criminal prosecution of the officer.

1510 Section 30. Subsection (2), paragraph (a) of subsection
1511 (3), and subsection (6) of section 943.1755, Florida Statutes,
1512 are amended to read:

1513 943.1755 Florida Criminal Justice Executive Institute.—

1514 (2) The institute is established within the Department of
1515 Law Enforcement and affiliated with the State University System.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1516 The Board of Governors of the State University System shall, in
1517 cooperation with the Department of Law Enforcement, determine
1518 the specific placement of the institute within the system. The
1519 Department of Law Enforcement maintains responsibility for
1520 delivering and facilitating all Florida Criminal Justice
1521 Executive Institute training.

1522 (3) The institute shall cooperate with the Criminal
1523 Justice Standards and Training Commission, and shall be guided
1524 and directed by a policy board composed of the following
1525 members:

1526 (a) The following persons shall serve on the policy board:

- 1527 1. The executive director of the Department of Law
1528 Enforcement or a designee.
- 1529 2. The Secretary of Corrections or a designee.
- 1530 3. The Commissioner of Education or a designee ~~an employee~~
1531 ~~of the Department of Education designated by the Commissioner.~~
- 1532 4. The Secretary of Juvenile Justice or a designee.

1533 (6) Seven ~~Six~~ members constitute a quorum of the board.

1534 Section 31. Subsection (2) of section 943.1757, Florida
1535 Statutes, is amended to read:

1536 943.1757 Criminal justice executives; training; policy
1537 report.—

1538 (2) The policy board of the Criminal Justice Executive
1539 Institute shall identify the needs of criminal justice
1540 executives regarding issues related to diverse populations, and
1541 ensure that such needs are met through appropriate training.
1542 ~~Beginning January 1, 1995, and every 5 years thereafter, the~~
1543 ~~policy board shall provide to the appropriate substantive~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1544 ~~committees of each house a report describing executive training~~
1545 ~~needs. In addition,~~ The policy board shall prepare a biennial
1546 report to the appropriate substantive committees of each house
1547 describing how these needs are being met through training by the
1548 Criminal Justice Executive Institute.

1549 Section 32. Paragraph (a) of subsection (4) and subsection
1550 (9) of section 943.25, Florida Statutes, are amended to read:

1551 943.25 Criminal justice trust funds; source of funds; use
1552 of funds.—

1553 (4) The commission shall authorize the establishment of
1554 regional training councils to advise and assist the commission
1555 in developing and maintaining a plan assessing regional criminal
1556 justice training needs and to act as an extension of the
1557 commission in the planning, programming, and budgeting for
1558 expenditures of the moneys in the Criminal Justice Standards and
1559 Training Trust Fund.

1560 (a) The commission may ~~shall~~ annually forward to each
1561 regional training council a list of its specific recommended
1562 priority issues or items to be funded. Each regional training
1563 council shall consider the recommendations of the commission in
1564 relation to the needs of the region and either include the
1565 recommendations in the region's budget plan or satisfactorily
1566 justify their exclusion.

1567 (9) Up to \$250,000 per annum from the Criminal Justice
1568 Standards and Training Trust Fund may be used to develop,
1569 validate, update, and maintain test or assessment instruments,
1570 including computer-based testing, relating to selection,
1571 employment, training, or evaluation of officers, instructors, or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1572 courses. Pursuant to s. 943.12(4), (5), and (8), the commission
1573 shall adopt those test or assessment instruments which are
1574 appropriate and job-related as minimum requirements.

1575 Section 33. Subsection (14) of section 943.325, Florida
1576 Statutes, is amended to read:

1577 943.325 DNA database.—

1578 (14) RESULTS.—The results of a DNA analysis and the
1579 comparison of analytic results shall be released only to
1580 criminal justice agencies as defined in s. 943.045 ~~943.045(10)~~,
1581 at the request of the agency. Otherwise, such information is
1582 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
1583 s. 24(a), Art. I of the State Constitution.

1584 Section 34. Section 943.33, Florida Statutes, is amended
1585 to read:

1586 943.33 State-operated criminal analysis laboratories.—

1587 (1) The state-operated laboratories shall furnish
1588 laboratory service upon request to law enforcement officials in
1589 the state. The testing services of such laboratories by persons
1590 employed by or acting on behalf of the department shall also be
1591 available to any defendant in a criminal case upon showing of
1592 good cause and upon order of the court with jurisdiction in the
1593 case. When such service is to be made available to the
1594 defendant, the order shall be issued only after motion by the
1595 defendant and hearing held after notice with a copy of the
1596 motion being served upon the prosecutor and the state-operated
1597 laboratory from which the service is being sought.

1598 (2) For purposes of this section, "good cause" means a
1599 finding by the court that the laboratory testing service being

Amendment No. 1

1600 sought by the defendant is anticipated to produce evidence that
1601 is relevant and material to the defense;~~7~~ that the service
1602 sought is one which is reasonably within the capacity of the
1603 state-operated laboratory, ~~and~~ will not be unduly burdensome
1604 upon the laboratory, will not impede normal daily laboratory
1605 operations, will not negatively impact laboratory certifications
1606 or equipment calibration, and does not violate the laboratory's
1607 national certification or accreditation standards; and that the
1608 service cannot be obtained from any qualified private or
1609 nonstate operated laboratory within the state or otherwise
1610 reasonably available to the defense.

1611 (3) This section does not authorize the presence of
1612 defense experts or others representing the defense inside a
1613 state-operated laboratory facility where actual testing or
1614 analysis is occurring and does not authorize the use of state-
1615 operated laboratory equipment or facilities by defense experts
1616 or other persons not employed by or acting on the behalf of the
1617 department.

1618 (4) The court shall assess the costs of all testing,
1619 equipment operation, and personnel and any other costs directly
1620 attributable to the court-ordered testing ~~such service ordered~~
1621 by the court to the defendant or the defendant's counsel,
1622 whether public, private, or pro bono, who obtained the testing
1623 order ~~local public defender's office.~~ The laboratory providing
1624 the service ordered shall include with the report of the
1625 analysis, comparison, or identification a statement of the costs
1626 of the service provided and shall provide a copy of all reports

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1627 and analysis performed and cost statement being provided to the
1628 prosecutor in the case and the court.

1629 Section 35. Subsection (9) of section 943.68, Florida
1630 Statutes, is amended to read:

1631 943.68 Transportation and protective services.—

1632 (9) The department shall submit a report each ~~August~~ July
1633 15 to the Governor, the Legislature, and the Cabinet, detailing
1634 all transportation and protective services provided under
1635 subsections (1), (5), and (6) within the preceding fiscal year.
1636 Each report shall include a detailed accounting of the cost of
1637 such transportation and protective services, including the names
1638 of persons provided such services and the nature of state
1639 business performed.

1640 Section 36. Subsection (3) of section 285.18, Florida
1641 Statutes, is amended to read:

1642 285.18 Tribal council as governing body; powers and
1643 duties.—

1644 (3) The law enforcement agencies of the Seminole Tribe of
1645 Florida and the Miccosukee Tribe of Indians of Florida shall
1646 have the authority of "criminal justice agencies" as defined in
1647 s. 945.045(11)(e) ~~943.045(10)(e)~~ and shall have the specific
1648 authority to negotiate agreements with the ~~Florida~~ Department of
1649 Law Enforcement, the United States Department of Justice, and
1650 other federal law enforcement agencies for access to criminal
1651 history records for the purpose of conducting ongoing criminal
1652 investigations and for the following governmental purposes:

1653 (a) Background investigations, which are required for
1654 employment by a tribal education program, tribal Head Start

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1655 program, or tribal day care program as may be required by state
1656 or federal law.

1657 (b) Background investigations, which are required for
1658 employment by tribal law enforcement agencies.

1659 (c) Background investigations, which are required for
1660 employment by a tribal government.

1661 (d) Background investigations with respect to all
1662 employees, primary management officials, and all persons having
1663 a financial interest in a class II Indian tribal gaming
1664 enterprise to ensure eligibility as provided in the Indian
1665 Gaming Regulatory Act, 25 U.S.C. ss. 2701 et al.

1666
1667 With regard to those investigations authorized in paragraphs
1668 (a), (c), and (d), each such individual shall file a complete
1669 set of his or her fingerprints that have been taken by an
1670 authorized law enforcement officer, which set of fingerprints
1671 shall be submitted to the Department of Law Enforcement for
1672 state processing and to the Federal Bureau of Investigation for
1673 federal processing. The cost of processing shall be borne by the
1674 applicant.

1675 Section 37. Paragraph (b) of subsection (2) of section
1676 414.40, Florida Statutes, is amended to read:

1677 414.40 Stop Inmate Fraud Program established; guidelines.—

1678 (2) The Department of Financial Services is directed to
1679 implement the Stop Inmate Fraud Program in accordance with the
1680 following guidelines:

1681 (b) Pursuant to these procedures, the program shall have
1682 access to records containing correctional information not exempt

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1683 from the public records law on incarcerated persons which have
1684 been generated as criminal justice information. As used in this
1685 paragraph, the terms ~~term~~ "record" ~~is defined as provided in s.~~
1686 ~~943.045(7),~~ and ~~the term~~ "criminal justice information" have the
1687 same meanings ~~is defined~~ as provided in s. 943.045 ~~943.045(3).~~

1688 Section 38. Section 447.045, Florida Statutes, is amended
1689 to read:

1690 447.045 Information confidential.—Neither the department
1691 nor any investigator or employee of the department shall divulge
1692 in any manner the information obtained pursuant to the
1693 processing of applicant fingerprints ~~fingerprint cards~~, and such
1694 information is confidential and exempt from ~~the provisions of~~ s.
1695 119.07(1).

1696 Section 39. Subsection (10) of section 455.213, Florida
1697 Statutes, is amended to read:

1698 455.213 General licensing provisions.—

1699 (10) For any profession requiring fingerprints as part of
1700 the registration, certification, or licensure process or for any
1701 profession requiring a criminal history record check to
1702 determine good moral character, ~~a fingerprint card containing~~
1703 the fingerprints of the applicant must accompany all
1704 applications for registration, certification, or licensure. The
1705 fingerprints ~~fingerprint card~~ shall be forwarded to the Division
1706 of Criminal Justice Information Systems within the Department of
1707 Law Enforcement for ~~purposes of processing the fingerprint card~~
1708 to determine whether ~~if~~ the applicant has a criminal history
1709 record. The fingerprints ~~fingerprint card~~ shall also be
1710 forwarded to the Federal Bureau of Investigation ~~for purposes of~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

17111 ~~processing the fingerprint card~~ to determine whether if the
17112 applicant has a criminal history record. The information
17113 obtained by the processing of the fingerprints ~~fingerprint card~~
17114 by the ~~Florida~~ Department of Law Enforcement and the Federal
17115 Bureau of Investigation shall be sent to the department to
17116 determine whether ~~for the purpose of determining if~~ the
17117 applicant is statutorily qualified for registration,
17118 certification, or licensure.

17119 Section 40. Paragraph (d) of subsection (2) of section
17120 468.453, Florida Statutes, is amended to read:

17121 468.453 Licensure required; qualifications; license
17122 nontransferable; service of process; temporary license; license
17123 or application from another state.-

17124 (2) A person shall be licensed as an athlete agent if the
17125 applicant:

17126 (d) Has submitted to the department fingerprints a
17127 ~~fingerprint card~~ for a criminal history records check. The
17128 fingerprints ~~fingerprint card~~ shall be forwarded to the Division
17129 of Criminal Justice Information Systems within the Department of
17130 Law Enforcement for ~~purposes of processing the fingerprint card~~
17131 to determine whether if the applicant has a criminal history
17132 record. The fingerprints ~~fingerprint card~~ shall also be
17133 forwarded to the Federal Bureau of Investigation ~~for purposes of~~
17134 ~~processing the fingerprint card~~ to determine whether if the
17135 applicant has a criminal history record. The information
17136 obtained by the processing of the fingerprints ~~fingerprint card~~
17137 by the ~~Florida~~ Department of Law Enforcement and the Federal
17138 Bureau of Investigation shall be sent to the department to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1739 ~~determine whether for the purpose of determining if~~ the
1740 applicant is statutorily qualified for licensure.

1741 Section 41. Subsection (3) of section 475.615, Florida
1742 Statutes, is amended to read:

1743 475.615 Qualifications for registration or certification.-

1744 (3) Appropriate fees, as set forth in the rules of the
1745 board pursuant to s. 475.6147, and a set of fingerprints

1746 ~~fingerprint card~~ must accompany all applications for
1747 registration or certification. The fingerprints ~~fingerprint card~~
1748 shall be forwarded to the Division of Criminal Justice

1749 Information Systems within the Department of Law Enforcement for
1750 ~~purposes of processing the fingerprint card~~ to determine whether

1751 ~~if~~ the applicant has a criminal history record. The fingerprints
1752 ~~fingerprint card~~ shall also be forwarded to the Federal Bureau

1753 of Investigation ~~for purposes of processing the fingerprint card~~
1754 to determine whether ~~if~~ the applicant has a criminal history

1755 record. The information obtained by the processing of the
1756 fingerprints ~~fingerprint card~~ by the Department of Law

1757 Enforcement and the Federal Bureau of Investigation shall be
1758 sent to the department to determine whether ~~for the purpose of~~

1759 ~~determining if~~ the applicant is statutorily qualified for
1760 registration or certification. ~~Effective July 1, 2006, an~~

1761 ~~applicant must provide fingerprints in electronic format.~~

1762 Section 42. Paragraph (j) of subsection (3) of section
1763 493.6105, Florida Statutes, is amended to read:

1764 493.6105 Initial application for license.-

1765 (3) The application must contain the following information
1766 concerning the individual signing the application:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1767 (j) A full set of fingerprints ~~on a card provided by the~~
1768 ~~department~~ and a fingerprint fee to be established by rule of
1769 the department based upon costs determined by state and federal
1770 agency charges and department processing costs. An applicant who
1771 has, within the immediately preceding 6 months, submitted such
1772 fingerprints ~~a fingerprint card~~ and fee for licensing purposes
1773 under this chapter is not required to submit another set of
1774 fingerprints ~~fingerprint card~~ or fee.

1775 Section 43. Paragraph (a) of subsection (1) of section
1776 493.6108, Florida Statutes, is amended to read:

1777 493.6108 Investigation of applicants by Department of
1778 Agriculture and Consumer Services.—

1779 (1) Except as otherwise provided, the department must
1780 investigate an applicant for a license under this chapter before
1781 it may issue the license. The investigation must include:

1782 (a)1. An examination of fingerprint records and police
1783 records. If a criminal history record check of any applicant
1784 under this chapter is performed by means of fingerprint ~~card~~
1785 identification, the time limitations prescribed by s. 120.60(1)
1786 shall be tolled during the time the applicant's fingerprints are
1787 ~~fingerprint card is~~ under review by the Department of Law
1788 Enforcement or the United States Department of Justice, Federal
1789 Bureau of Investigation.

1790 2. If a legible set of fingerprints, as determined by the
1791 Department of Law Enforcement or the Federal Bureau of
1792 Investigation, cannot be obtained after two attempts, the
1793 Department of Agriculture and Consumer Services may determine
1794 the applicant's eligibility based upon a criminal history record

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1795 check under the applicant's name conducted by the Department of
1796 Law Enforcement if the fingerprints are taken by a law
1797 enforcement agency or the department and the applicant submits a
1798 written statement signed by the fingerprint technician or a
1799 licensed physician stating that there is a physical condition
1800 that precludes obtaining a legible set of fingerprints or that
1801 the fingerprints taken are the best that can be obtained.

1802 Section 44. Paragraph (f) of subsection (2) of section
1803 494.00312, Florida Statutes, is amended to read:

1804 494.00312 Loan originator license.-

1805 (2) In order to apply for a loan originator license, an
1806 applicant must:

1807 (f) Submit fingerprints in accordance with rules adopted
1808 by the commission:

1809 1. The fingerprints may be submitted to the registry, the
1810 office, or a vendor acting on behalf of the registry or the
1811 office.

1812 2. The office may contract with a third-party vendor to
1813 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
1814 ~~card.~~

1815 3. A state criminal history background check must be
1816 conducted through the Department of Law Enforcement, and a
1817 federal criminal history background check must be conducted
1818 through the Federal Bureau of Investigation.

1819 4. All fingerprints submitted to the Department of Law
1820 Enforcement must be submitted electronically and entered into
1821 the statewide automated biometric ~~fingerprint~~ identification
1822 system established in s. 943.05(2)(b) and available for use in

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1823 accordance with s. 943.05(2)(g) and (h). The office shall pay an
1824 annual fee to the department to participate in the system and
1825 inform the department of any person whose fingerprints are no
1826 longer required to be retained.

1827 5. The costs of fingerprint processing, including the cost
1828 of retaining the fingerprints, shall be borne by the person
1829 subject to the background check.

1830 6. The office is responsible for reviewing the results of
1831 the state and federal criminal history checks and determining
1832 whether the applicant meets licensure requirements.

1833 Section 45. Paragraph (d) of subsection (2) of section
1834 494.00321, Florida Statutes, is amended to read:

1835 494.00321 Mortgage broker license.—

1836 (2) In order to apply for a mortgage broker license, an
1837 applicant must:

1838 (d) Submit fingerprints for each of the applicant's
1839 control persons in accordance with rules adopted by the
1840 commission:

1841 1. The fingerprints may be submitted to the registry, the
1842 office, or a vendor acting on behalf of the registry or the
1843 office.

1844 2. The office may contract with a third-party vendor to
1845 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
1846 ~~card~~.

1847 3. A state criminal history background check must be
1848 conducted through the Department of Law Enforcement, and a
1849 federal criminal history background check must be conducted
1850 through the Federal Bureau of Investigation.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1851 4. All fingerprints submitted to the Department of Law
1852 Enforcement must be submitted electronically and entered into
1853 the statewide automated biometric ~~fingerpr~~int identification
1854 system established in s. 943.05(2)(b) and available for use in
1855 accordance with s. 943.05(2)(g) and (h). The office shall pay an
1856 annual fee to the department to participate in the system and
1857 inform the department of any person whose fingerprints are no
1858 longer required to be retained.

1859 5. The costs of fingerprint processing, including the cost
1860 of retaining the fingerprints, shall be borne by the person
1861 subject to the background check.

1862 6. The office is responsible for reviewing the results of
1863 the state and federal criminal history checks and determining
1864 whether the applicant meets licensure requirements.

1865 Section 46. Paragraph (d) of subsection (2) of section
1866 494.00611, Florida Statutes, is amended to read:

1867 494.00611 Mortgage lender license.—

1868 (2) In order to apply for a mortgage lender license, an
1869 applicant must:

1870 (d) Submit fingerprints for each of the applicant's
1871 control persons in accordance with rules adopted by the
1872 commission:

1873 1. The fingerprints may be submitted to the registry, the
1874 office, or a vendor acting on behalf of the registry or the
1875 office.

1876 2. The office may contract with a third-party vendor to
1877 provide live-scan fingerprinting ~~in lieu of a paper fingerprint~~
1878 ~~card.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1879 3. A state criminal history background check must be
1880 conducted through the Department of Law Enforcement, and a
1881 federal criminal history background check must be conducted
1882 through the Federal Bureau of Investigation.

1883 4. All fingerprints submitted to the Department of Law
1884 Enforcement must be submitted electronically and entered into
1885 the statewide automated biometric ~~fingerprint~~ identification
1886 system established in s. 943.05(2)(b) and available for use in
1887 accordance with s. 943.05(2)(g) and (h). The office shall pay an
1888 annual fee to the department to participate in the system and
1889 inform the department of any person whose fingerprints are no
1890 longer required to be retained.

1891 5. The costs of fingerprint processing, including the cost
1892 of retaining the fingerprints, shall be borne by the person
1893 subject to the background check.

1894 6. The office is responsible for reviewing the results of
1895 the state and federal criminal history checks and determining
1896 whether the applicant meets licensure requirements.

1897 Section 47. Subsections (7) and (10) of section 517.12,
1898 Florida Statutes, are amended to read:

1899 517.12 Registration of dealers, associated persons,
1900 investment advisers, and branch offices.—

1901 (7) The application shall also contain such information as
1902 the commission or office may require about the applicant; any
1903 member, principal, or director of the applicant or any person
1904 having a similar status or performing similar functions; any
1905 person directly or indirectly controlling the applicant; or any
1906 employee of a dealer or of an investment adviser rendering

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1907 investment advisory services. Each applicant and any direct
1908 owners, principals, or indirect owners that are required to be
1909 reported on Form BD or Form ADV pursuant to subsection (15)
1910 shall file a complete set of fingerprints. Fingerprints ~~A~~
1911 ~~fingerprint card~~ submitted to the office must be taken by an
1912 authorized law enforcement agency or in a manner approved by the
1913 commission by rule. The office shall submit the fingerprints to
1914 the Department of Law Enforcement for state processing, and the
1915 Department of Law Enforcement shall forward the fingerprints to
1916 the Federal Bureau of Investigation for federal processing. The
1917 cost of the fingerprint processing may be borne by the office,
1918 the employer, or the person subject to the background check. The
1919 Department of Law Enforcement shall submit an invoice to the
1920 office for the fingerprints received each month. The office
1921 shall screen the background results to determine whether ~~if~~ the
1922 applicant meets licensure requirements. The commission may
1923 waive, by rule, the requirement that applicants, including any
1924 direct owners, principals, or indirect owners that are required
1925 to be reported on Form BD or Form ADV pursuant to subsection
1926 (15), file a set of fingerprints or the requirement that such
1927 fingerprints be processed by the Department of Law Enforcement
1928 or the Federal Bureau of Investigation. The commission or office
1929 may require information about any such applicant or person
1930 concerning such matters as:

1931 (a) His or her full name, and any other names by which he
1932 or she may have been known, and his or her age, social security
1933 number, photograph, qualifications, and educational and business
1934 history.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1935 (b) Any injunction or administrative order by a state or
1936 federal agency, national securities exchange, or national
1937 securities association involving a security or any aspect of the
1938 securities business and any injunction or administrative order
1939 by a state or federal agency regulating banking, insurance,
1940 finance, or small loan companies, real estate, mortgage brokers,
1941 or other related or similar industries, which injunctions or
1942 administrative orders relate to such person.

1943 (c) His or her conviction of, or plea of nolo contendere
1944 to, a criminal offense or his or her commission of any acts
1945 which would be grounds for refusal of an application under s.
1946 517.161.

1947 (d) The names and addresses of other persons of whom the
1948 office may inquire as to his or her character, reputation, and
1949 financial responsibility.

1950 (10) An applicant for registration shall pay an assessment
1951 fee of \$200, in the case of a dealer or investment adviser, or
1952 \$50, in the case of an associated person. An associated person
1953 may be assessed an additional fee to cover the cost for the
1954 fingerprints ~~fingerprint cards~~ to be processed by the office.
1955 Such fee shall be determined by rule of the commission. Each
1956 dealer and each investment adviser shall pay an assessment fee
1957 of \$100 for each office in this state. Such fees become the
1958 revenue of the state, except for those assessments provided for
1959 under s. 517.131(1) until such time as the Securities Guaranty
1960 Fund satisfies the statutory limits, and are not returnable in
1961 the event that registration is withdrawn or not granted.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1962 Section 48. Subsection (2) of section 538.09, Florida
1963 Statutes, is amended to read:

1964 538.09 Registration.—

1965 (2) The secondhand dealer shall furnish with her or his
1966 registration a complete set of her or his fingerprints,
1967 certified by an authorized law enforcement officer, and a recent
1968 fullface photographic identification card of herself or himself.
1969 The Department of Law Enforcement shall report its findings to
1970 the Department of Revenue within 30 days after the date the
1971 fingerprints ~~fingerprint cards~~ are submitted for criminal
1972 justice information.

1973 Section 49. Paragraph (b) of subsection (1) of section
1974 538.25, Florida Statutes, is amended to read:

1975 538.25 Registration.—

1976 (1) A person may not engage in business as a secondary
1977 metals recycler at any location without registering with the
1978 department. The department shall accept applications only from a
1979 fixed business address. The department may not accept an
1980 application that provides an address of a hotel room or motel
1981 room, a vehicle, or a post office box.

1982 (b) The department shall forward the full set of
1983 fingerprints to the Department of Law Enforcement for state and
1984 federal processing, provided the federal service is available,
1985 to be processed for any criminal justice information as defined
1986 in s. 943.045. The cost of processing such fingerprints shall be
1987 payable to the Department of Law Enforcement by the department.
1988 The department may issue a temporary registration to each
1989 location pending completion of the background check by state and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

1990 federal law enforcement agencies, but shall revoke such
1991 temporary registration if the completed background check reveals
1992 a prohibited criminal background. The Department of Law
1993 Enforcement shall report its findings to the Department of
1994 Revenue within 30 days after the date the fingerprints
1995 ~~fingerprint cards~~ are submitted for criminal justice
1996 information.

1997 Section 50. Subsection (2) of section 548.024, Florida
1998 Statutes, is amended to read:

1999 548.024 Background investigation of applicants for
2000 licensure.—

2001 (2) If the commission requires a background criminal
2002 history investigation of any applicant, it shall require the
2003 applicant to submit to the department fingerprints ~~a fingerprint~~
2004 ~~card~~ for this purpose. The fingerprints ~~fingerprint card~~ shall
2005 be forwarded to the Division of Criminal Justice Information
2006 Systems within the Department of Law Enforcement and the Federal
2007 Bureau of Investigation for ~~purposes of processing the~~
2008 ~~fingerprint card~~ to determine whether ~~if~~ the applicant has a
2009 criminal history record. The information obtained by the
2010 processing of the fingerprints ~~fingerprint card~~ by the
2011 Department of Law Enforcement and the Federal Bureau of
2012 Investigation shall be sent to the department to determine
2013 whether ~~for the purpose of determining if~~ the applicant is
2014 statutorily qualified for licensure.

2015 Section 51. Paragraphs (b) and (c) of subsection (10) of
2016 section 550.105, Florida Statutes, are amended to read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2017 550.105 Occupational licenses of racetrack employees;
2018 fees; denial, suspension, and revocation of license; penalties
2019 and fines.—

2020 (10)

2021 (b) All fingerprints required by this section that are
2022 submitted to the Department of Law Enforcement shall be retained
2023 by the Department of Law Enforcement and entered into the
2024 statewide automated biometric fingerprint identification system
2025 as authorized by s. 943.05(2)(b) and shall be available for all
2026 purposes and uses authorized for arrest fingerprints fingerprint
2027 ~~cards~~ entered into the statewide automated biometric fingerprint
2028 identification system pursuant to s. 943.051.

2029 (c) The Department of Law Enforcement shall search all
2030 arrest fingerprints received pursuant to s. 943.051 against the
2031 fingerprints retained in the statewide automated biometric
2032 fingerprint identification system under paragraph (b). Any
2033 arrest record that is identified with the retained fingerprints
2034 of a person subject to the criminal history screening
2035 requirements of this section shall be reported to the division.
2036 Each licensee shall pay a fee to the division for the cost of
2037 retention of the fingerprints and the ongoing searches under
2038 this paragraph. The division shall forward the payment to the
2039 Department of Law Enforcement. The amount of the fee to be
2040 imposed for performing these searches and the procedures for the
2041 retention of licensee fingerprints shall be as established by
2042 rule of the Department of Law Enforcement. The division shall
2043 inform the Department of Law Enforcement of any change in the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2044 license status of licensees whose fingerprints are retained
2045 under paragraph (b).

2046 Section 52. Subsection (2) of section 550.908, Florida
2047 Statutes, is amended to read:

2048 550.908 Powers and duties of compact committee.—In order
2049 to carry out the purposes of this compact, the compact committee
2050 has the power and duty to:

2051 (2) Investigate applicants for licensure by the compact
2052 committee and, as permitted by federal and state law, gather
2053 information on such applicants, including criminal history
2054 record information from the Federal Bureau of Investigation and
2055 relevant state and local law enforcement agencies, and, where
2056 appropriate, from the Royal Canadian Mounted Police and law
2057 enforcement agencies of other countries, which is necessary to
2058 determine whether a license should be issued under the licensure
2059 requirements established by the committee under subsection (1).
2060 The fingerprints of each applicant for licensure by the compact
2061 committee shall be taken by the compact committee, its
2062 employees, or its designee, and, pursuant to Pub. L. No. 92-544
2063 or Pub. L. No. 100-413, shall be forwarded to a state
2064 identification bureau or to the Association of Racing
2065 Commissioners International, Inc., for submission to the Federal
2066 Bureau of Investigation for a criminal history record check.
2067 Such fingerprints may be submitted ~~on a fingerprint card or~~ by
2068 electronic or other means authorized by the Federal Bureau of
2069 Investigation or other receiving law enforcement agency.

2070 Section 53. Paragraphs (c) and (d) of subsection (7) of
2071 section 551.107, Florida Statutes, are amended to read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2072 551.107 Slot machine occupational license; findings;
2073 application; fee.—

2074 (7) Fingerprints for all slot machine occupational license
2075 applications shall be taken in a manner approved by the division
2076 and shall be submitted electronically to the Department of Law
2077 Enforcement for state processing and the Federal Bureau of
2078 Investigation for national processing for a criminal history
2079 record check. All persons as specified in s. 550.1815(1)(a)
2080 employed by or working within a licensed premises shall submit
2081 fingerprints for a criminal history record check and may not
2082 have been convicted of any disqualifying criminal offenses
2083 specified in subsection (6). Division employees and law
2084 enforcement officers assigned by their employing agencies to
2085 work within the premises as part of their official duties are
2086 excluded from the criminal history record check requirements
2087 under this subsection. For purposes of this subsection, the term
2088 "convicted" means having been found guilty, with or without
2089 adjudication of guilt, as a result of a jury verdict, nonjury
2090 trial, or entry of a plea of guilty or nolo contendere.

2091 (c) All fingerprints submitted to the Department of Law
2092 Enforcement and required by this section shall be retained by
2093 the Department of Law Enforcement and entered into the statewide
2094 automated biometric fingerprint identification system as
2095 authorized by s. 943.05(2)(b) and shall be available for all
2096 purposes and uses authorized for arrest fingerprints fingerprint
2097 ~~cards~~ entered into the statewide automated biometric fingerprint
2098 identification system pursuant to s. 943.051.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2099 (d) The Department of Law Enforcement shall search all
2100 arrest fingerprints received pursuant to s. 943.051 against the
2101 fingerprints retained in the statewide automated biometric
2102 ~~fingerprint~~ identification system under paragraph (c). Any
2103 arrest record that is identified with the retained fingerprints
2104 of a person subject to the criminal history screening
2105 requirements of this section shall be reported to the division.
2106 Each licensed facility shall pay a fee to the division for the
2107 cost of retention of the fingerprints and the ongoing searches
2108 under this paragraph. The division shall forward the payment to
2109 the Department of Law Enforcement. The amount of the fee to be
2110 imposed for performing these searches and the procedures for the
2111 retention of licensee fingerprints shall be as established by
2112 rule of the Department of Law Enforcement. The division shall
2113 inform the Department of Law Enforcement of any change in the
2114 license status of licensees whose fingerprints are retained
2115 under paragraph (c).

2116 Section 54. Paragraph (b) of subsection (1) of section
2117 560.141, Florida Statutes, is amended to read:

2118 560.141 License application.--

2119 (1) To apply for a license as a money services business
2120 under this chapter the applicant must:

2121 (b) In addition to the application form, submit:

2122 1. A nonrefundable application fee as provided in s.
2123 560.143.

2124 2. A set of fingerprints ~~fingerprint card~~ for each of the
2125 persons listed in subparagraph (a)3. unless the applicant is a
2126 publicly traded corporation, or is exempted from this chapter

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2127 | under s. 560.104(1). The fingerprints must be taken by an
2128 | authorized law enforcement agency. The office shall submit the
2129 | fingerprints to the Department of Law Enforcement for state
2130 | processing, and the Department of Law Enforcement shall forward
2131 | the fingerprints to the Federal Bureau of Investigation for
2132 | federal processing. The cost of the fingerprint processing may
2133 | be borne by the office, the employer, or the person subject to
2134 | the criminal records background check. The office shall screen
2135 | the background results to determine whether ~~if~~ the applicant
2136 | meets licensure requirements. As used in this section, the term
2137 | "publicly traded" means a stock is currently traded on a
2138 | national securities exchange registered with the federal
2139 | Securities and Exchange Commission or traded on an exchange in a
2140 | country other than the United States regulated by a regulator
2141 | equivalent to the Securities and Exchange Commission and the
2142 | disclosure and reporting requirements of such regulator are
2143 | substantially similar to those of the commission.

2144 | 3. A copy of the applicant's written anti-money laundering
2145 | program required under 31 C.F.R. s. 103.125.

2146 | 4. Within the time allotted by rule, any information
2147 | needed to resolve any deficiencies found in the application.

2148 | Section 55. Subsection (1) of section 628.906, Florida
2149 | Statutes, is amended to read:

2150 | 628.906 Application requirements; restrictions on
2151 | eligibility of officers and directors.—

2152 | (1) To evidence competence and trustworthiness of its
2153 | officers and directors, the application for a license to act as
2154 | a captive insurance company or captive reinsurance company shall

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2155 include, but not be limited to, background investigations,
2156 biographical affidavits, and fingerprints ~~fingerprint cards~~ for
2157 all officers and directors. Fingerprints must be taken by a law
2158 enforcement agency or other entity approved by the office, be
2159 accompanied by the fingerprint processing fee specified in s.
2160 624.501, and processed in accordance with s. 624.34.

2161 Section 56. Subsection (3) of section 633.34, Florida
2162 Statutes, is amended to read:

2163 633.34 Firefighters; qualifications for employment.—Any
2164 person applying for employment as a firefighter must:

2165 (3) Submit a set of fingerprints ~~fingerprint card~~ to the
2166 division with a current processing fee. The fingerprints
2167 ~~fingerprint card~~ will be forwarded to the Department of Law
2168 Enforcement and/or the Federal Bureau of Investigation.

2169 Section 57. Subsections (2) and (3) and paragraphs (b) and
2170 (c) of subsection (4) of section 744.3135, Florida Statutes, are
2171 amended to read:

2172 744.3135 Credit and criminal investigation.—

2173 (2) For nonprofessional guardians, the court shall accept
2174 the satisfactory completion of a criminal history record check
2175 as described in this subsection. A nonprofessional guardian
2176 satisfies the requirements of this section by undergoing a state
2177 and national criminal history record check using fingerprints ~~a~~
2178 ~~fingerprint card. The clerk of the court shall obtain~~
2179 ~~fingerprint cards from the Federal Bureau of Investigation and~~
2180 ~~make them available to nonprofessional guardians.~~ Any
2181 nonprofessional guardian who is so required shall have his or
2182 her fingerprints taken and forward them ~~the completed~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2183 ~~fingerprint card~~ along with the necessary fee to the Department
2184 of Law Enforcement for processing. The results of the
2185 fingerprint ~~card~~ criminal history record check shall be
2186 forwarded to the clerk of the court, who shall maintain the
2187 results in the nonprofessional guardian's file and make the
2188 results available to the court.

2189 (3) For professional guardians, the court and the
2190 Statewide Public Guardianship Office shall accept the
2191 satisfactory completion of a criminal history record check by
2192 any method described in this subsection. A professional guardian
2193 satisfies the requirements of this section by undergoing:

2194 ~~(a)~~ an electronic fingerprint criminal history record
2195 check. A professional guardian may use any electronic
2196 fingerprinting equipment used for criminal history record
2197 checks. The Statewide Public Guardianship Office shall adopt a
2198 rule detailing the acceptable methods for completing an
2199 electronic fingerprint criminal history record check under this
2200 section. The professional guardian shall pay the actual costs
2201 incurred by the Federal Bureau of Investigation and the
2202 Department of Law Enforcement for the criminal history record
2203 check. The entity completing the record check must immediately
2204 send the results of the criminal history record check to the
2205 clerk of the court and the Statewide Public Guardianship Office.
2206 The clerk of the court shall maintain the results in the
2207 professional guardian's file and shall make the results
2208 available to the court, ~~or~~

2209 ~~(b) A criminal history record check using a fingerprint~~
2210 ~~card. The clerk of the court shall obtain fingerprint cards from~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2211 ~~the Federal Bureau of Investigation and make them available to~~
2212 ~~guardians. Any guardian who is so required shall have his or her~~
2213 ~~fingerprints taken and forward the proper fingerprint card along~~
2214 ~~with the necessary fee to the Department of Law Enforcement for~~
2215 ~~processing. The results of the fingerprint card criminal history~~
2216 ~~record checks shall be forwarded to the clerk of the court, who~~
2217 ~~shall maintain the results in the guardian's file and make the~~
2218 ~~results available to the court and the Statewide Public~~
2219 ~~Guardianship Office.~~

2220 (4)

2221 (b) All fingerprints electronically submitted to the
2222 Department of Law Enforcement under this section shall be
2223 retained by the Department of Law Enforcement in a manner
2224 provided by rule and entered in the statewide automated
2225 biometric fingerprint identification system authorized by s.
2226 943.05(2)(b). The fingerprints shall thereafter be available for
2227 all purposes and uses authorized for arrest fingerprints
2228 ~~fingerprint cards~~ entered in the Criminal Justice Information
2229 Program under s. 943.051.

2230 (c) The Department of Law Enforcement shall search all
2231 arrest fingerprints ~~fingerprint cards~~ received under s. 943.051
2232 against the fingerprints retained in the statewide automated
2233 biometric fingerprint identification system under paragraph (b).
2234 Any arrest record that is identified with the fingerprints of a
2235 person described in this paragraph must be reported to the clerk
2236 of court. The clerk of court must forward any arrest record
2237 received for a professional guardian to the Statewide Public
2238 Guardianship Office within 5 days. Each professional guardian

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2239 who elects to submit fingerprint information electronically
2240 shall participate in this search process by paying an annual fee
2241 to the Statewide Public Guardianship Office of the Department of
2242 Elderly Affairs and by informing the clerk of court and the
2243 Statewide Public Guardianship Office of any change in the status
2244 of his or her guardianship appointment. The amount of the annual
2245 fee to be imposed for performing these searches and the
2246 procedures for the retention of professional guardian
2247 fingerprints and the dissemination of search results shall be
2248 established by rule of the Department of Law Enforcement. At
2249 least once every 5 years, the Statewide Public Guardianship
2250 Office must request that the Department of Law Enforcement
2251 forward the fingerprints maintained under this section to the
2252 Federal Bureau of Investigation.

2253 Section 58. Paragraph (b) of subsection (5) of section
2254 775.21, Florida Statutes, is amended to read:

2255 775.21 The Florida Sexual Predators Act.—

2256 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
2257 as a sexual predator as follows:

2258 (b) If a sexual predator is not sentenced to a term of
2259 imprisonment, the clerk of the court shall ensure that the
2260 sexual predator's fingerprints are taken and forwarded to the
2261 department within 48 hours after the court renders its written
2262 sexual predator finding. The fingerprints ~~fingerprint card~~ shall
2263 be clearly marked, "Sexual Predator Registration ~~Card~~." The
2264 clerk of the court that convicts and sentences the sexual
2265 predator for the offense or offenses described in subsection (4)
2266 shall forward to the department and to the Department of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2267 Corrections a certified copy of any order entered by the court
2268 imposing any special condition or restriction on the sexual
2269 predator that ~~which~~ restricts or prohibits access to the victim,
2270 if the victim is a minor, or to other minors.

2271 Section 59. Paragraph (d) of subsection (3) of section
2272 775.261, Florida Statutes, is amended to read:

2273 775.261 The Florida Career Offender Registration Act.—

2274 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

2275 (d) If a career offender is not sentenced to a term of
2276 imprisonment, the clerk of the court shall ensure that the
2277 career offender's fingerprints are taken and forwarded to the
2278 department within 48 hours after the court renders its finding
2279 that an offender is a career offender. The fingerprints
2280 ~~fingerprint card~~ shall be clearly marked, "Career Offender
2281 Registration Card."

2282 Section 60. Paragraph (a) of subsection (11) of section
2283 790.06, Florida Statutes, is amended to read:

2284 790.06 License to carry concealed weapon or firearm.—

2285 (11)(a) No less than 90 days before the expiration date of
2286 the license, the Department of Agriculture and Consumer Services
2287 shall mail to each licensee a written notice of the expiration
2288 and a renewal form prescribed by the Department of Agriculture
2289 and Consumer Services. The licensee must renew his or her
2290 license on or before the expiration date by filing with the
2291 Department of Agriculture and Consumer Services the renewal form
2292 containing a notarized affidavit stating that the licensee
2293 remains qualified pursuant to the criteria specified in
2294 subsections (2) and (3), a color photograph as specified in

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2295 paragraph (5)(e), and the required renewal fee. Out-of-state
2296 residents must also submit a complete set of fingerprints
2297 ~~completed fingerprint card~~ and fingerprint processing fee. The
2298 license shall be renewed upon receipt of the completed renewal
2299 form, color photograph, appropriate payment of fees, and, if
2300 applicable, fingerprints ~~a completed fingerprint card~~.
2301 Additionally, a licensee who fails to file a renewal application
2302 on or before its expiration date must renew his or her license
2303 by paying a late fee of \$15. A license may not be renewed 180
2304 days or more after its expiration date, and such a license is
2305 deemed to be permanently expired. A person whose license has
2306 been permanently expired may reapply for licensure; however, an
2307 application for licensure and fees under subsection (5) must be
2308 submitted, and a background investigation shall be conducted
2309 pursuant to this section. A person who knowingly files false
2310 information under this subsection is subject to criminal
2311 prosecution under s. 837.06.

2312 Section 61. Subsection (3) of section 944.607, Florida
2313 Statutes, is amended to read:

2314 944.607 Notification to Department of Law Enforcement of
2315 information on sexual offenders.—

2316 (3) If a sexual offender is not sentenced to a term of
2317 imprisonment, the clerk of the court shall ensure that the
2318 sexual offender's fingerprints are taken and forwarded to the
2319 Department of Law Enforcement within 48 hours after the court
2320 sentences the offender. The fingerprints ~~fingerprint card~~ shall
2321 be clearly marked "Sexual Offender Registration ~~Card~~."

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2322 Section 62. Subsection (2) of section 944.608, Florida
2323 Statutes, is amended to read:

2324 944.608 Notification to Department of Law Enforcement of
2325 information on career offenders.-

2326 (2) If a career offender is not sentenced to a term of
2327 imprisonment, the clerk of the court shall ensure that the
2328 career offender's fingerprints are taken and forwarded to the
2329 Department of Law Enforcement within 48 hours after the court
2330 sentences the career offender. The fingerprints ~~fingerprint card~~
2331 shall be clearly marked "Career Offender Registration ~~Card~~."

2332 Section 63. Paragraph (b) of subsection (1) of section
2333 985.11, Florida Statutes, is amended to read:

2334 985.11 Fingerprinting and photographing.-

2335 (1)

2336 (b) A child who is charged with or found to have committed
2337 one of the following offenses shall be fingerprinted, and the
2338 fingerprints shall be submitted to the Department of Law
2339 Enforcement as provided in s. 943.051(3)(b):

2340 1. Assault, as defined in s. 784.011.

2341 2. Battery, as defined in s. 784.03.

2342 3. Carrying a concealed weapon, as defined in s.
2343 790.01(1).

2344 4. Unlawful use of destructive devices or bombs, as
2345 defined in s. 790.1615(1).

2346 5. Neglect ~~Negligent treatment of a child~~ ~~children~~, as
2347 defined in s. 827.03(1)(e) ~~former s. 827.05~~.

2348 6. Assault on a law enforcement officer, a firefighter, or
2349 other specified officers, as defined in s. 784.07(2)(a).

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2350 7. Open carrying of a weapon, as defined in s. 790.053.

2351 8. Exposure of sexual organs, as defined in s. 800.03.

2352 9. Unlawful possession of a firearm, as defined in s.

2353 790.22(5).

2354 10. Petit theft, as defined in s. 812.014.

2355 11. Cruelty to animals, as defined in s. 828.12(1).

2356 12. Arson, resulting in bodily harm to a firefighter, as
2357 defined in s. 806.031(1).

2358 13. Unlawful possession or discharge of a weapon or
2359 firearm at a school-sponsored event or on school property as
2360 defined in s. 790.115.

2361

2362 A law enforcement agency may fingerprint and photograph a child
2363 taken into custody upon probable cause that such child has
2364 committed any other violation of law, as the agency deems
2365 appropriate. Such fingerprint records and photographs shall be
2366 retained by the law enforcement agency in a separate file, and
2367 these records and all copies thereof must be marked "Juvenile
2368 Confidential." These records are not available for public
2369 disclosure and inspection under s. 119.07(1) except as provided
2370 in ss. 943.053 and 985.04(2), but shall be available to other
2371 law enforcement agencies, criminal justice agencies, state
2372 attorneys, the courts, the child, the parents or legal
2373 custodians of the child, their attorneys, and any other person
2374 authorized by the court to have access to such records. In
2375 addition, such records may be submitted to the Department of Law
2376 Enforcement for inclusion in the state criminal history records
2377 and used by criminal justice agencies for criminal justice

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2378 purposes. These records may, in the discretion of the court, be
2379 open to inspection by anyone upon a showing of cause. The
2380 fingerprint and photograph records shall be produced in the
2381 court whenever directed by the court. Any photograph taken
2382 pursuant to this section may be shown by a law enforcement
2383 officer to any victim or witness of a crime for the purpose of
2384 identifying the person who committed such crime.

2385 Section 64. Paragraphs (c) and (e) of subsection (3) of
2386 section 985.644, Florida Statutes, are amended to read:

2387 985.644 Departmental contracting powers; personnel
2388 standards and screening.-

2389 (3)

2390 (c) All fingerprint information electronically submitted
2391 to the Department of Law Enforcement under paragraph (b) shall
2392 be retained by the Department of Law Enforcement and entered
2393 into the statewide automated biometric fingerprint
2394 identification system authorized by s. 943.05(2)(b). Thereafter,
2395 such fingerprint information shall be available for all purposes
2396 and uses authorized for arrest fingerprint information entered
2397 into the statewide automated biometric fingerprint
2398 identification system pursuant to s. 943.051 until the
2399 fingerprint information is removed pursuant to paragraph (e).
2400 The Department of Law Enforcement shall search all arrest
2401 fingerprint information received pursuant to s. 943.051 against
2402 the fingerprint information entered into the statewide automated
2403 biometric identification fingerprint system pursuant to this
2404 subsection. Any arrest records identified as a result of the
2405 search shall be reported to the department in the manner and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2406 timeframe established by the Department of Law Enforcement by
2407 rule.

2408 (e) The department shall notify the Department of Law
2409 Enforcement when a person whose fingerprint information is
2410 retained by the Department of Law Enforcement under this
2411 subsection is no longer employed by the department, or by a
2412 provider under contract with the department, in a delinquency
2413 facility, service, or program. This notice shall be provided by
2414 the department to the Department of Law Enforcement within 6
2415 months after the date of the change in the person's employment
2416 status. Fingerprint information for persons identified by the
2417 department in the notice shall be removed from the statewide
2418 automated biometric identification ~~fingerprint~~ system.

2419 Section 65. Subsection (3) of section 985.4815, Florida
2420 Statutes, is amended to read:

2421 985.4815 Notification to Department of Law Enforcement of
2422 information on juvenile sexual offenders.-

2423 (3) If a sexual offender is not sentenced to a term of
2424 residential commitment, the clerk of the court shall ensure that
2425 the sexual offender's fingerprints are taken and forwarded to
2426 the Department of Law Enforcement within 48 hours after the
2427 court sentences the offender. The fingerprints ~~fingerprint card~~
2428 shall be clearly marked "Sexual Offender Registration ~~Card~~."

2429 Section 66. Paragraph (b) of subsection (6) of section
2430 1002.395, Florida Statutes, is amended to read:

2431 1002.395 Florida Tax Credit Scholarship Program.-

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2432 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
2433 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
2434 organization:

2435 (b) Must comply with the following background check
2436 requirements:

2437 1. All owners and operators as defined in subparagraph
2438 (2)(h)1. are, upon employment or engagement to provide services,
2439 subject to level 2 background screening as provided under
2440 chapter 435. The fingerprints for the background screening must
2441 be electronically submitted to the Department of Law Enforcement
2442 and can be taken by an authorized law enforcement agency or by
2443 an employee of the eligible nonprofit scholarship-funding
2444 organization or a private company who is trained to take
2445 fingerprints. However, the complete set of fingerprints of an
2446 owner or operator may not be taken by the owner or operator. The
2447 results of the state and national criminal history check shall
2448 be provided to the Department of Education for screening under
2449 chapter 435. The cost of the background screening may be borne
2450 by the eligible nonprofit scholarship-funding organization or
2451 the owner or operator.

2452 2. Every 5 years following employment or engagement to
2453 provide services or association with an eligible nonprofit
2454 scholarship-funding organization, each owner or operator must
2455 meet level 2 screening standards as described in s. 435.04, at
2456 which time the nonprofit scholarship-funding organization shall
2457 request the Department of Law Enforcement to forward the
2458 fingerprints to the Federal Bureau of Investigation for level 2
2459 screening. If the fingerprints of an owner or operator are not

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2460 retained by the Department of Law Enforcement under subparagraph
2461 3., the owner or operator must electronically file a complete
2462 set of fingerprints with the Department of Law Enforcement. Upon
2463 submission of fingerprints for this purpose, the eligible
2464 nonprofit scholarship-funding organization shall request that
2465 the Department of Law Enforcement forward the fingerprints to
2466 the Federal Bureau of Investigation for level 2 screening, and
2467 the fingerprints shall be retained by the Department of Law
2468 Enforcement under subparagraph 3.

2469 3. ~~Beginning July 1, 2007,~~ All fingerprints submitted to
2470 the Department of Law Enforcement as required by this paragraph
2471 must be retained by the Department of Law Enforcement in a
2472 manner approved by rule and entered in the statewide automated
2473 biometric fingerprint identification system authorized by s.
2474 943.05(2)(b). The fingerprints must thereafter be available for
2475 all purposes and uses authorized for arrest fingerprints
2476 ~~fingerprint cards~~ entered in the statewide automated biometric
2477 ~~fingerprint~~ identification system pursuant to s. 943.051.

2478 4. ~~Beginning July 1, 2007,~~ The Department of Law
2479 Enforcement shall search all arrest fingerprints fingerprint
2480 ~~cards~~ received under s. 943.051 against the fingerprints
2481 retained in the statewide automated biometric fingerprint
2482 identification system under subparagraph 3. Any arrest record
2483 that is identified with an owner's or operator's fingerprints
2484 must be reported to the Department of Education. The Department
2485 of Education shall participate in this search process by paying
2486 an annual fee to the Department of Law Enforcement and by
2487 informing the Department of Law Enforcement of any change in the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2488 employment, engagement, or association status of the owners or
2489 operators whose fingerprints are retained under subparagraph 3.
2490 The Department of Law Enforcement shall adopt a rule setting the
2491 amount of the annual fee to be imposed upon the Department of
2492 Education for performing these services and establishing the
2493 procedures for the retention of owner and operator fingerprints
2494 and the dissemination of search results. The fee may be borne by
2495 the owner or operator of the nonprofit scholarship-funding
2496 organization.

2497 5. A nonprofit scholarship-funding organization whose
2498 owner or operator fails the level 2 background screening shall
2499 not be eligible to provide scholarships under this section.

2500 6. A nonprofit scholarship-funding organization whose
2501 owner or operator in the last 7 years has filed for personal
2502 bankruptcy or corporate bankruptcy in a corporation of which he
2503 or she owned more than 20 percent shall not be eligible to
2504 provide scholarships under this section.

2505
2506 Any and all information and documentation provided to the
2507 Department of Education and the Auditor General relating to the
2508 identity of a taxpayer that provides an eligible contribution
2509 under this section shall remain confidential at all times in
2510 accordance with s. 213.053.

2511 Section 67. Paragraphs (a) and (b) of subsection (3) of
2512 section 1002.421, Florida Statutes, are amended to read:

2513 1002.421 Accountability of private schools participating
2514 in state school choice scholarship programs.-

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2515 (3) (a) ~~Beginning July 1, 2007,~~ All fingerprints submitted
2516 to the Department of Law Enforcement as required by this section
2517 shall be retained by the Department of Law Enforcement in a
2518 manner provided by rule and entered in the statewide automated
2519 biometric fingerprint identification system authorized by s.
2520 943.05(2) (b). Such fingerprints shall thereafter be available
2521 for all purposes and uses authorized for arrest fingerprints
2522 ~~fingerprint cards~~ entered in the statewide automated biometric
2523 ~~fingerprint~~ identification system pursuant to s. 943.051.

2524 (b) ~~Beginning July 1, 2007,~~ The Department of Law
2525 Enforcement shall search all arrest fingerprints ~~fingerprint~~
2526 ~~cards~~ received under s. 943.051 against the fingerprints
2527 retained in the statewide automated biometric fingerprint
2528 identification system under paragraph (a). Any arrest record
2529 that is identified with the retained fingerprints of a person
2530 subject to the background screening under this section shall be
2531 reported to the employing school with which the person is
2532 affiliated. Each private school participating in a scholarship
2533 program is required to participate in this search process by
2534 informing the Department of Law Enforcement of any change in the
2535 employment or contractual status of its personnel whose
2536 fingerprints are retained under paragraph (a). The Department of
2537 Law Enforcement shall adopt a rule setting the amount of the
2538 annual fee to be imposed upon each private school for performing
2539 these searches and establishing the procedures for the retention
2540 of private school employee and contracted personnel fingerprints
2541 and the dissemination of search results. The fee may be borne by
2542 the private school or the person fingerprinted.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2543 Section 68. Paragraphs (a) and (b) of subsection (3) of
2544 section 1012.32, Florida Statutes, are amended to read:

2545 1012.32 Qualifications of personnel.—

2546 (3)(a) ~~Beginning July 1, 2004,~~ All fingerprints submitted
2547 to the Department of Law Enforcement as required by subsection
2548 (2) shall be retained by the Department of Law Enforcement in a
2549 manner provided by rule and entered in the statewide automated
2550 biometric fingerprint identification system authorized by s.
2551 943.05(2)(b). Such fingerprints shall thereafter be available
2552 for all purposes and uses authorized for arrest fingerprints
2553 ~~fingerprint cards~~ entered in the statewide automated biometric
2554 ~~fingerprint~~ identification system pursuant to s. 943.051.

2555 (b) ~~Beginning December 15, 2004,~~ The Department of Law
2556 Enforcement shall search all arrest fingerprints fingerprint
2557 ~~cards~~ received under s. 943.051 against the fingerprints
2558 retained in the statewide automated biometric fingerprint
2559 identification system under paragraph (a). Any arrest record
2560 that is identified with the retained fingerprints of a person
2561 subject to the background screening under this section shall be
2562 reported to the employing or contracting school district or the
2563 school district with which the person is affiliated. Each school
2564 district is required to participate in this search process by
2565 payment of an annual fee to the Department of Law Enforcement
2566 and by informing the Department of Law Enforcement of any change
2567 in the affiliation, employment, or contractual status or place
2568 of affiliation, employment, or contracting of its instructional
2569 and noninstructional personnel whose fingerprints are retained
2570 under paragraph (a). The Department of Law Enforcement shall

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2571 adopt a rule setting the amount of the annual fee to be imposed
2572 upon each school district for performing these searches and
2573 establishing the procedures for the retention of instructional
2574 and noninstructional personnel fingerprints and the
2575 dissemination of search results. The fee may be borne by the
2576 district school board, the contractor, or the person
2577 fingerprinted.

2578 Section 69. Paragraphs (b), (c), and (e) of subsection (2)
2579 of section 1012.467, Florida Statutes, are amended to read:

2580 1012.467 Noninstructional contractors who are permitted
2581 access to school grounds when students are present; background
2582 screening requirements.-

2583 (2)

2584 (b) As authorized by law, the Department of Law
2585 Enforcement shall retain the fingerprints submitted by the
2586 school districts pursuant to this subsection to the Department
2587 of Law Enforcement for a criminal history background screening
2588 in a manner provided by rule and enter the fingerprints in the
2589 statewide automated biometric fingerprint identification system
2590 authorized by s. 943.05(2)(b). The fingerprints shall thereafter
2591 be available for all purposes and uses authorized for arrest
2592 fingerprints ~~fingerprints~~ ~~cards~~ entered into the statewide
2593 automated biometric fingerprint identification system under s.
2594 943.051.

2595 (c) As authorized by law, the Department of Law
2596 Enforcement shall search all arrest fingerprints ~~fingerprints~~
2597 ~~cards~~ received under s. 943.051 against the fingerprints

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2598 retained in the statewide automated biometric fingerprint
2599 identification system under paragraph (b).

2600 (e) A fingerprint retained pursuant to this subsection
2601 shall be purged from the automated biometric fingerprint
2602 identification system 5 years following the date the fingerprint
2603 was initially submitted. The Department of Law Enforcement shall
2604 set the amount of the annual fee to be imposed upon each
2605 participating agency for performing these searches and
2606 establishing the procedures for retaining fingerprints and
2607 disseminating search results. The fee may be borne as provided
2608 by law. Fees may be waived or reduced by the executive director
2609 of the Department of Law Enforcement for good cause shown.

2610 Section 70. Paragraph (b) of subsection (5) of section
2611 538.26, Florida Statutes, is amended to read:

2612 538.26 Certain acts and practices prohibited.—It is
2613 unlawful for a secondary metals recycler to do or allow any of
2614 the following acts:

2615 (5)

2616 (b) The purchase of any of the following regulated metals
2617 property is subject to the restrictions provided in paragraph
2618 (a):

2619 1. A manhole cover.

2620 2. An electric light pole or other utility structure and
2621 its fixtures, wires, and hardware that are readily identifiable
2622 as connected to the utility structure.

2623 3. A guard rail.

2624 4. A street sign, traffic sign, or traffic signal and its
2625 fixtures and hardware.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2626 5. Communication, transmission, distribution, and service
2627 wire from a utility, including copper or aluminum bus bars,
2628 connectors, grounding plates, or grounding wire.

2629 6. A funeral marker or funeral vase.

2630 7. A historical marker.

2631 8. Railroad equipment, including, but not limited to, a
2632 tie plate, signal house, control box, switch plate, E clip, or
2633 rail tie junction.

2634 9. Any metal item that is observably marked upon
2635 reasonable inspection with any form of the name, initials, or
2636 logo of a governmental entity, utility company, cemetery, or
2637 railroad.

2638 10. A copper, aluminum, or aluminum-copper condensing or
2639 evaporator coil, including its tubing or rods, from an air-
2640 conditioning or heating unit, excluding coils from window air-
2641 conditioning or heating units and motor vehicle air-conditioning
2642 or heating units.

2643 11. An aluminum or stainless steel container or bottle
2644 designed to hold propane for fueling forklifts.

2645 12. A stainless steel beer keg.

2646 13. A catalytic converter or any nonferrous part of a
2647 catalytic converter unless purchased as part of a motor vehicle.

2648 14. Metallic wire that has been burned in whole or in part
2649 to remove insulation.

2650 15. A brass or bronze commercial valve or fitting,
2651 referred to as a "fire department connection and control valve"
2652 or an "FDC valve," that is commonly used on structures for
2653 access to water for the purpose of extinguishing fires.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2654 16. A brass or bronze commercial potable water backflow
2655 preventer valve that is commonly used to prevent backflow of
2656 potable water from commercial structures into municipal domestic
2657 water service systems.

2658 17. A shopping cart.

2659 18. A brass water meter.

2660 19. A storm grate.

2661 20. A brass sprinkler head used in commercial agriculture.

2662 21. More than two Lead-Acid Batteries, or any part or
2663 component thereof, in a single purchase or from the same
2664 individual in a single day.

2665 Section 71. This act shall take effect July 1, 2013.

2666

2667

2668

T I T L E A M E N D M E N T

2669

Remove everything before the enacting clause and insert:

2670

A bill to be entitled

2671

An act relating to the Department of Law Enforcement;

2672

amending ss. 125.5801 and 166.0442, F.S.; revising

2673

provisions for criminal history record checks for

2674

certain county and municipal employees and appointees;

2675

amending s. 406.145, F.S.; deleting duties of law

2676

enforcement agencies and the department relating to

2677

unidentified person reporting forms; amending s.

2678

937.021, F.S.; revising provisions relating to missing

2679

child and adult reports; amending s. 937.024, F.S.;

2680

revising provisions relating to the birth records of

2681

missing children; amending s. 937.025, F.S.; revising

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2682 provisions providing criminal penalties for persons
2683 who knowingly provide false information concerning a
2684 missing child; amending s. 937.028, F.S.; revising
2685 provisions relating to fingerprints of missing
2686 persons; authorizing retention of such fingerprints
2687 entered into the statewide biometric identification
2688 system; amending s. 943.03, F.S.; revising terminology
2689 relating to documents and information systems;
2690 deleting an obsolete provision; amending s. 943.031,
2691 F.S.; correcting a reference; revising provisions
2692 relating to meetings of the Florida Violent Crime and
2693 Drug Control Council, the Drug Control Strategy and
2694 Criminal Gang Committee, and the Victim and Witness
2695 Protection Review Committee; making specified
2696 provisions subject to legislative funding; providing
2697 for return of unexpended funds by specified
2698 recipients; amending s. 943.0435, F.S.; specifying
2699 additional items to be reported by persons required to
2700 register as sexual offenders; amending s. 943.04351,
2701 F.S.; revising requirements for searches of
2702 registration information regarding sexual predators
2703 and sexual offenders; amending s. 943.0438, F.S.;
2704 deleting an obsolete provision; amending s. 943.045,
2705 F.S.; defining the term "biometric"; revising the
2706 definition of the term "criminal justice information";
2707 amending s. 943.05, F.S.; revising duties of the
2708 Criminal Justice Information Program; redesignating
2709 the statewide automated fingerprint identification

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2710 system as the statewide automated biometric
2711 identification system; amending s. 943.051, F.S.;
2712 requiring additional information to be collected from
2713 persons charged with or convicted of specified
2714 offenses and submitted electronically to the
2715 department; providing an exception to the
2716 fingerprinting of certain juveniles; amending s.
2717 943.052, F.S.; revising terminology relating to
2718 disposition reporting; revising information to be
2719 submitted concerning persons received by or discharged
2720 from the state correctional system or certain
2721 juveniles committed to the Department of Juvenile
2722 Justice; amending s. 943.053, F.S.; revising a
2723 reference to rules governing criminal justice
2724 information received from the Federal Government or
2725 other states; conforming terminology; amending s.
2726 943.054, F.S.; revising provisions relating to the
2727 availability of criminal history information derived
2728 from any United States Department of Justice criminal
2729 justice information system; amending s. 943.0542,
2730 F.S.; revising terminology relating to requests for
2731 screening; authorizing rulemaking relating to payments
2732 for screening; amending s. 943.0544, F.S.; revising
2733 terminology relating to the Criminal Justice Network;
2734 amending s. 943.055, F.S.; revising provisions
2735 relating to dissemination of criminal justice
2736 information derived from department information
2737 systems; providing for audits of noncriminal justice

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2738 agencies when necessary to ensure compliance with
2739 requirements; amending s. 943.056, F.S.; providing for
2740 requests for corrections of federal criminal history
2741 record information in certain circumstances; amending
2742 s. 943.0582, F.S.; increasing the period in which a
2743 minor may seek expunction of a nonjudicial arrest
2744 record following completion of a diversion program;
2745 revising language relating to a statement to the
2746 department by a state attorney concerning such an
2747 expunction request; deleting an obsolete provision;
2748 amending ss. 943.0585 and 943.059, F.S.; revising
2749 language relating to expunctions and sealing precluded
2750 by prior criminal history sealings or expunctions;
2751 authorizing persons seeking authorization for
2752 employment with or access to certain seaports to deny
2753 or fail to acknowledge certain expunged or sealed
2754 records; amending s. 943.125, F.S.; providing for
2755 accreditation of correctional facilities, public
2756 agency offices of inspectors general, and certain
2757 pretrial diversion programs; authorizing funding and
2758 support of additional accreditation programs; amending
2759 s. 943.13, F.S.; deleting a provision authorizing
2760 temporary employment of a person seeking employment as
2761 a law enforcement or correctional officer if there is
2762 an administrative delay in fingerprint processing;
2763 deleting obsolete language; amending s. 943.132, F.S.;;
2764 revising references to federal qualified active or
2765 qualified retired law enforcement concealed firearms

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2766 provisions; deleting a requirement that the Criminal
2767 Justice Standards and Training Commission develop a
2768 uniform firearms proficiency verification card;
2769 amending s. 943.1395, F.S.; revising language relating
2770 to investigations on behalf of the Criminal Justice
2771 Standards and Training Commission; amending s.
2772 943.1755, F.S.; providing that the department
2773 maintains responsibility for delivering and
2774 facilitating all Florida Criminal Justice Executive
2775 Institute training; revising membership of the
2776 institute's policy board; amending s. 943.1757, F.S.;
2777 deleting a requirement for a periodic report by the
2778 Criminal Justice Executive Institute concerning
2779 executive training needs; amending s. 943.25, F.S.;
2780 authorizing, rather than requiring, the Criminal
2781 Justice Standards and Training Commission to forward
2782 to each regional training council a list of its
2783 specific recommended priority issues or items to be
2784 funded; authorizing the commission to use computer-
2785 based testing as an assessment instrument; amending s.
2786 943.325, F.S.; conforming a cross-reference; amending
2787 s. 943.33, F.S.; revising provisions relating to the
2788 availability to defendants of state-operated criminal
2789 analysis laboratories; specifying that defense experts
2790 and others are not authorized to be present in such
2791 laboratories or use laboratory equipment; revising
2792 provisions relating to costs of laboratory testing
2793 performed for defendants; amending s. 943.68, F.S.;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 585 (2013)

Amendment No. 1

2794 | revising the due date of a report detailing
2795 | transportation and protective services provided by the
2796 | department; amending ss. 285.18, 414.40, 447.045,
2797 | 455.213, 468.453, 475.615, 493.6105, 493.6108,
2798 | 494.00312, 494.00321, 494.00611, 517.12, 538.09,
2799 | 538.25, 548.024, 550.105, 550.908, 551.107, 560.141,
2800 | 628.906, 633.34, 744.3135, 775.21, 775.261, 790.06,
2801 | 944.607, 944.608, 985.11, 985.644, 985.4815, 1002.395,
2802 | 1002.421, 1012.32, and 1012.467, F.S.; conforming
2803 | provisions to changes made by the act; providing an
2804 | effective date.
2805 |

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

HB 617 : Juvenile Justice Circuit Advisory Boards and Juvenile Justice County Councils

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 617 Amendments

Amendment 779263

Adopted Without Objection

Appearances:

Pitts, Brian (General Public) - Information Only

Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: (727) 897-9291

Craig-Myers, Catherine (Lobbyist) - Waive In Support

Executive Director, Florida Juvenile Justice Association
1201 Hays St Ste 107
Tallahassee FL 32301
Phone: (850) 671-3442

Menendez, Jon (Lobbyist) (State Employee) - Waive In Support

Department of Juvenile Justice
2737 Centerview Dr.
Tallahassee FL 32399
Phone: (880) 921-6302

Committee meeting was reported out: Tuesday, March 12, 2013 3:27:26PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 617 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

FAVORABLE
3/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice

2 Subcommittee

3 Representative Pilon offered the following:

4
5 **Amendment**

6 Remove lines 157-173 and insert:

7 (5) (a) To form the initial juvenile justice circuit
8 advisory board, the secretary of the department, in consultation
9 with the juvenile justice county councils in existence on
10 October 1, 2013, shall appoint the chair of the board, who must
11 meet the board membership requirements in subsection (4). Within
12 45 days after being appointed, the chair shall appoint the
13 remaining members to the juvenile justice advisory board and
14 submit the appointments to the department for approval.

15 (b) Thereafter, when a vacancy of the chair occurs, the
16 secretary of the department, in consultation with the juvenile
17 justice circuit advisory board, shall appoint a new chair, who
18 must meet the board membership requirements in subsection (4).
19 The chair shall appoint members to vacant seats within 45 days

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 617 (2013)

Amendment No. 1

20 of the vacancy and submit the appointments to the department for
21 approval.

22 (6) A member may not serve more than two consecutive 2-
23 year terms, except those members listed in paragraphs (4) (a),
24 (b), (c), (e), (f), (g), and (h). A former member who has not
25 served on the juvenile justice circuit advisory board for 2
26 years is eligible to serve on the juvenile justice circuit
27 advisory board again.

28 (7) At least half of the voting members of the juvenile
29 justice circuit advisory board constitutes a quorum. A quorum
30 must be present for the board to vote on a measure or position.

31 (8) In order for a juvenile justice circuit advisory board
32 measure or position to pass, it must receive more than 50
33 percent of the vote.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

HB 757 : Mandatory Reports of Child Abuse

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Mercer, Amy (Lobbyist) - Waive In Support
Executive Director, Florida Police Chiefs Association
924 N. Gadsden St.
Tallahassee FL 32301
Phone: (850) 219-3631

Bustle, Electra (Lobbyist) - Waive In Support
Florida Sheriffs Association
Tallahassee FL 32301
Phone: (850) 671-4401

Westfall, Eric (General Public) - Waive In Support
Lieutenant, Florida Sheriff's Association
123 W. Indiana Ave
Deland FL 32720
Phone: (386) 248-1777

Committee meeting was reported out: Tuesday, March 12, 2013 3:27:26PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

HB 785 : Restitution for Juvenile Offenses

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy		X			
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 12		Total Nays: 1			

HB 785 Amendments

Amendment 854785

Adopted Without Objection

Appearances:

Pitts, Brian (General Public) - Information Only

Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: (727) 897-9291

Trammell, Robert (Lobbyist) (State Employee) - Information Only

General Counsel, Florida Public Defender Association, Inc
PO Box 11057
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Committee meeting was reported out: Tuesday, March 12, 2013 3:27:26PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	--	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

FAVORABLE
3/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice

2 Subcommittee

3 Representative Eagle offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 36-55 and insert:

7 Section 2. Subsection (1) of section 985.513, Florida
8 Statutes, is amended to read:

9 985.513 Powers of the court over parent or guardian at
10 disposition.—

11 (1) The court that has jurisdiction over an adjudicated
12 delinquent child may, by an order stating the facts upon which a
13 determination of a sanction and rehabilitative program was made
14 at the disposition hearing, ÷

15 ~~(a)~~ Order the child's parent or guardian, together with
16 the child, to render community service in a public service
17 program or to participate in a community work project. In
18 addition to the sanctions imposed on the child, the court may
19 order the child's parent or guardian to perform community
20 service if the court finds that the parent or guardian did not

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 785 (2013)

Amendment No. 1

21 make a diligent and good faith effort to prevent the child from
22 engaging in delinquent acts.

23 ~~(b) Order the parent or guardian to make restitution in~~
24 ~~money or in kind for any damage or loss caused by the child's~~
25 ~~offense. The court may also require the child's parent or legal~~
26 ~~guardian to be responsible for any restitution ordered against~~
27 ~~the child, as provided under s. 985.437. The court shall~~
28 ~~determine a reasonable amount or manner of restitution, and~~
29 ~~payment shall be made to the clerk of the circuit court as~~
30 ~~provided in s. 985.437. The court may retain jurisdiction, as~~
31 ~~provided under s. 985.0301, over the child and the child's~~
32 ~~parent or legal guardian whom the court has ordered to pay~~
33 ~~restitution until the restitution order is satisfied or the~~
34 ~~court orders otherwise.~~

35
36
37
38 -----
39 **T I T L E A M E N D M E N T**

40 Remove line 10 and insert:

41 removing duplicative language authorizing the court to require a
42 parent or guardian to be responsible for any restitution ordered
43 against the child;
44

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

HB 829 : Mandatory Supervision for Violent Offenders

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy		X			
Michael Clelland	X				
Dane Eagle	X				
James Grant			X		
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee		X			
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 10		Total Nays: 2			

HB 829 Amendments

Amendment 038035

Adopted Without Objection

Amendment 886859

Adopted Without Objection

Appearances:

Reilly, Kevin (Lobbyist) (State Employee) - Information Only
Legislative Affairs Director, Florida Parole Commission
Tallahassee FL 32311
Phone: (850) 728-3548

Pitts, Brian (General Public) - Information Only
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, March 12, 2013 3:27:26PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 829 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

FAVORABLE
3/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice

2 Subcommittee

3 Representative Passidomo offered the following:

4
5 **Amendment**

6 Remove lines 20-27 and insert:

7 Section 1. It is the intent of the Legislature to require
8 intensive postrelease supervision of offenders who have been
9 convicted of violent offenses, thereby assisting them in
10 successfully transitioning from prison back to the community and
11 reducing their rate of reoffending. It is also the intent of the
12 Legislature that the renaming of conditional release supervision
13 to mandatory supervision does not create a new program, but it
14 is merely a name change to accurately reflect the nature of this
15 non-discretionary release.
16

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 829 (2013)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

FAVORABLE
3/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Passidomo offered the following:

5 **Amendment (with title amendment)**

6 Between lines 444 and 445, insert:

7 (13) The commission, in conjunction with the Department of
8 Corrections, shall develop a report to track offenders placed on
9 mandatory supervision to determine their rate of return to
10 prison, indicating whether the offender returned to prison for a
11 for a new crime or a technical violation of probation. A report
12 providing such information shall be due to the Legislature on
13 July 1, 2017 and then due by July 1 every year thereafter.

15 -----
16 **T I T L E A M E N D M E N T**

17 Remove line 9 and insert:

18
19 supervision; conforming provisions; requiring the commission
20 along with the Department of Corrections to develop a report to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 829 (2013)

Amendment No. 2

21 track offenders placed on mandatory supervision and their rate
22 of return to prison for a new crime or a technical violation of
23 probation; amending ss.

24

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

HB 851 : Animal Cruelty

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant			X		
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 851 Amendments

Amendment 354849

Adopted Without Objection

Appearances:

Pitts, Brian (General Public) - Waive In Support
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: (727) 897-9291

Trammell, Robert (Lobbyist) (State Employee) - Information Only
General Counsel, Florida Public Defender Association, Inc
PO Box 11057
Tallahassee FL 32302
Phone: (850) 510-2187

MacFall, Kate (Lobbyist) - Waive In Support
Florida State Director, Humane Society of the U.S
Tallahassee FL 32303
Phone: (850) 508-1001

Seltz, Andrew (General Public) - Information Only
Director, Leon County Animal Control
501 B Appleyard Dr.
Tallahassee FL 32304
Phone: (850) 606-5400

Committee meeting was reported out: Tuesday, March 12, 2013 3:27:26PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

HB 851 : Animal Cruelty (continued)

Appearances: (continued)

Smith, Susan (General Public) - Information Only
NAIA Trust of FL
25078 Dan Brown Hill Rd.
Brooksville FL 34602
Phone: (352) 848-1016

James, Leah (General Public) - Information Only
President, Florida Association of Kennel Club
59 Red Rd.
Havana FL 32333
Phone: (850) 562-3341

Committee meeting was reported out: Tuesday, March 12, 2013 3:27:26PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 851 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

FAVORABLE
3/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice

2 Subcommittee

3 Representative Moskowitz offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 34-158 and insert:

7 animal, or a person who owns or has the custody or control of
8 any animal and fails to act, which results in the cruel death,
9 or excessive or repeated infliction of unnecessary pain or
10 suffering, or causes the same to be done, commits aggravated
11 animal cruelty, is guilty of a felony of the third degree,
12 punishable as provided in s. 775.082 or by a fine of not more
13 than \$10,000, or both.

14 (a) A person convicted of a violation of this subsection,
15 where the finder of fact determines that the violation includes
16 the knowing and intentional torture or torment of an animal that
17 injures, mutilates, or kills the animal, shall be ordered to pay
18 a minimum mandatory fine of \$2,500 and undergo psychological
19 counseling or complete an anger management treatment program.

20 (b) A ~~Any~~ person convicted of a second or subsequent

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 851 (2013)

Amendment No. 1

21 violation of this subsection shall be required to pay a minimum
22 mandatory fine of \$5,000 and serve a minimum mandatory period of
23 incarceration of 6 months. In addition, the person shall be
24 released only upon expiration of sentence, is ~~shall~~ not be
25 eligible for parole, control release, or any form of early
26 release, and must serve 100 percent of the court-imposed
27 sentence. Any plea of nolo contendere shall be considered a
28 conviction for purposes of this subsection.

29 (3) A person who commits multiple acts of animal cruelty
30 or aggravated animal cruelty against an animal may be charged
31 with a separate offense for each such act. A person who commits
32 animal cruelty or aggravated animal cruelty against more than
33 one animal may be charged with a separate offense for each
34 animal such cruelty was committed upon.

35 ~~(4)~~ (3) A veterinarian licensed to practice in the state
36 shall be held harmless from either criminal or civil liability
37 for any decisions made or services rendered under the provisions
38 of this section. Such a veterinarian is, therefore, under this
39 subsection, immune from a lawsuit for his or her part in an
40 investigation of cruelty to animals.

41 ~~(5)~~ (4) A person who intentionally trips, fells, ropes, or
42 lassos the legs of a horse by any means for the purpose of
43 entertainment or sport shall be guilty of a third degree felony,
44 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
45 As used in this subsection, "trip" means any act that consists
46 of the use of any wire, pole, stick, rope, or other apparatus to
47 cause a horse to fall or lose its balance, and "horse" means any
48 animal of any registered breed of the genus Equus, or any

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 851 (2013)

Amendment No. 1

49 recognized hybrid thereof. The provisions of this subsection
50 shall not apply when tripping is used:

51 (a) To control a horse that is posing an immediate threat
52 to other livestock or human beings;

53 (b) For the purpose of identifying ownership of the horse
54 when its ownership is unknown; or

55 (c) For the purpose of administering veterinary care to
56 the horse.

57 Section 2. Section 828.1615, Florida Statutes, is created
58 to read:

59 828.1615 Prohibiting artificial coloring and sale of
60 certain animals.--

61 (1) It is unlawful for any person to:

62 (a) Dye or artificially color any animal that is under 12
63 weeks of age, or any fowl or rabbit of any age;

64 (b) Bring any dyed or artificially colored animal that is
65 under 12 weeks of age, or any fowl or rabbit of any age, into
66 this state; or

67 (c) Sell, offer for sell, or give away as merchandising
68 premiums, baby chickens, ducklings, or other fowl under 4 weeks
69 of age or rabbits under 2 months of age to be used as pets, toys
70 or retail premiums.

71 (2) The prohibitions in paragraph (1)(a) and (1)(b) do not
72 apply to animals that are temporarily dyed by agricultural
73 entities for protective health purposes.

74 (3) This section shall not be construed to apply to any
75 animal that is under 12 weeks of age, or any fowl or rabbit of
76 any age, that are used or raised for agricultural purposes by

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 851 (2013)

Amendment No. 1

77 persons with proper facilities to care for them or for poultry
78 or livestock exhibitions.

79 (4) Any person who violates the provisions of this section
80 commits a misdemeanor of the second degree, punishable as
81 provided in s. 775.082 or s. 775.083.

82
83
84
85 -----
86 **T I T L E A M E N D M E N T**

87 Remove lines 7-13 and insert:

88 cruelty; specifying that a person who owns or has the custody or
89 control of any animal and fails to act commits aggravated animal
90 cruelty if certain injuries or death results; creating s.
91 828.1615, prohibiting specific acts relating to dying or
92 artificially coloring certain animals; prohibiting persons from
93 selling, offering for sale, or giving away as merchandising
94 premiums specified fowl or rabbits to be used as pets, toys or
95 retail premiums; creating exceptions; providing penalties;
96 amending s. 895.02, F.S.; including

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

3/12/2013 10:00:00AM

Location: 404 HOB

HB 953 : Warrants

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle			X		
James Grant			X		
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 11		Total Nays: 0			

HB 953 Amendments

Amendment 553169

Adopted Without Objection

Appearances:

Bustle, Electra (Lobbyist) - Waive In Support
Florida Sheriffs Association
Tallahassee FL 32301
Phone: (850) 671-4401

Berg, Jim (General Public) - Waive In Support
Deputy, Hillsborough County Sheriffs Office
2008 E. 8th Avenue
Tampa FL 33605
Phone: (813) 777-4736

Maclure, Eric (Lobbyist) (State Employee) - Waive In Support
Director, Office of State Courts Administrator
500 South Duval St.
Tallahassee FL 32399
Phone: (850) 922-5692

Committee meeting was reported out: Tuesday, March 12, 2013 3:27:26PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 953 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

FAVORABLE
3/12/13

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Nuñez offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 901.02, Florida Statutes, is amended to
8 read:

9 901.02 Issuance of arrest warrants.~~When warrant of arrest~~
10 ~~to be issued.-~~

11 (1) The judge, upon examination of the complaint and proofs
12 submitted, if satisfied that probable cause exists for the
13 issuance of an arrest warrant for any crime committed within the
14 judge's jurisdiction, shall thereupon issue an arrest warrant
15 signed by him or her with his or her name of office.

16 ~~(1) A warrant may be issued for the arrest of the person~~
17 ~~complained against if the trial court judge, from the~~
18 ~~examination of the complainant and other witnesses, reasonably~~
19 ~~believes that the person complained against has committed an~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 953 (2013)

Amendment No. 1

~~offense within the trial court judge's jurisdiction. A warrant is issued at the time it is signed by the trial court judge.~~

(2) The court may issue a warrant for the defendant's arrest when all of the following circumstances apply:

(a) A complaint has been filed charging the commission of a misdemeanor only;

(b) The summons issued to the defendant has been returned unserved; and

(c) The conditions of subsection (1) are met.

(3) A judge may electronically sign an arrest warrant if the requirements of subsection (1) or (2) are met and the judge, based on an examination of the complaint and proofs submitted, determines that the complaint:

(a) Bears the affiant's signature, or electronic signature if the complaint was submitted electronically;

(b) Is supported by an oath or affirmation administered by the judge or other person authorized by law to administer oaths; and

(c) If submitted electronically, is submitted by reliable electronic means.

(4) An arrest warrant shall be deemed to be issued by a judge at the time the judge affixes his or her signature or electronic signature to the warrant. As used in this section, "electronic signature" has the meaning ascribed in s. 933.40(1)(d).

Section 2. Subsection (3) is added to section 933.07, Florida Statutes, to read:

933.07 Issuance of search warrants.--

Amendment No. 1

48 (3) A judge may electronically sign a search warrant if the
49 requirements of subsection (1) or (2) are met and the judge,
50 based on an examination of the application and proofs submitted,
51 determines that the application:

52 (a) Bears the affiant's signature, or electronic signature
53 if the application was submitted electronically;

54 (b) Is supported by an oath or affirmation administered by
55 the judge or other person authorized by law to administer oaths;
56 and

57 (c) If submitted electronically, is submitted by reliable
58 electronic means.

59 (4) A search warrant shall be deemed to be issued by a
60 judge at the time the judge affixes his or her signature or
61 electronic signature to the warrant. As used in this section,
62 "electronic signature" has the meaning ascribed in s.
63 933.40(1)(d).

64 Section 3. This act shall take effect July 1, 2013.

67 -----
68 **T I T L E A M E N D M E N T**

69 Remove everything before the enacting clause and insert:
70 An act relating to warrants; amending s. 901.02, F.S.;
71 specifying when an arrest warrant may be issued; authorizing a
72 judge to electronically sign an arrest warrant if certain
73 conditions are met; providing that an arrest warrant is signed
74 by a judge at the time the judge affixes his or her signature or
75 electronic signature to the warrant; defining the term

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 953 (2013)

Amendment No. 1

76 "electronic signature"; amending s. 933.07, F.S.; authorizing a
77 judge to electronically sign a search warrant if certain
78 conditions are met; providing that a search warrant is signed by
79 a judge at the time the judge affixes his or her signature or
80 electronic signature to the warrant; defining the term
81 "electronic signature"; providing an effective date.