



112754

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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The Committee on Criminal and Civil Justice Appropriations  
(Joyner) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 172 - 232  
and insert:

Section 2. Paragraphs (g) and (h) of subsection (2) of  
section 943.05, Florida Statutes, are amended, and subsection  
(4) is added to that section, to read:

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

(2) The program shall:

(g) Upon official written request, and subject to the  
department having sufficient funds and equipment to participate



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13 in such a request, from the agency executive director or  
14 secretary, or from his or her designee, or from qualified  
15 entities participating in the volunteer and employee criminal  
16 history screening system under s. 943.0542, or as otherwise  
17 required ~~As authorized~~ by law, retain fingerprints submitted by  
18 criminal and noncriminal justice agencies to the department for  
19 a criminal history background screening in a manner provided by  
20 rule and enter the fingerprints in the statewide automated  
21 fingerprint identification system authorized by paragraph (b).  
22 Such fingerprints shall thereafter be available for all purposes  
23 and uses authorized for arrest fingerprint submissions ~~cards~~  
24 entered into the statewide automated fingerprint identification  
25 system pursuant to s. 943.051.

26 (h)~~1.~~ For each agency or qualified entity that officially  
27 requests retention of fingerprints or for which retention is  
28 otherwise required ~~As authorized~~ by law, search all arrest  
29 fingerprint submissions ~~cards~~ received under s. 943.051 against  
30 the fingerprints retained in the statewide automated fingerprint  
31 identification system under paragraph (g).

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

36 2. ~~To Agencies may~~ participate in this search process,  
37 agencies or qualified entities must notify each person  
38 fingerprinted that his or her fingerprints will be retained, pay  
39 by payment of an annual fee to the department, and inform by  
40 ~~informing~~ the department of any change in the affiliation,  
41 employment, or contractual status ~~or place of affiliation,~~



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42 ~~employment, or contracting of each person the persons~~ whose  
43 fingerprints are retained under paragraph (g) when such change  
44 removes or eliminates the agency or qualified entity's basis or  
45 need for receiving reports of any arrest of that person, so that  
46 the agency or qualified entity will not be obligated to pay the  
47 upcoming annual fee for the retention and searching of that  
48 person's fingerprints to the department. The department shall  
49 adopt a rule setting the amount of the annual fee to be imposed  
50 upon each participating agency or qualified entity for  
51 performing these searches and establishing the procedures for  
52 the retention of fingerprints and the dissemination of search  
53 results. The fee may be borne by the agency, qualified entity,  
54 or person subject to fingerprint retention or as otherwise  
55 provided by law. ~~Fees may be waived or reduced by the executive~~  
56 ~~director for good cause shown.~~ Consistent with the recognition  
57 of criminal justice agencies expressed in s. 943.053(3), these  
58 services will be provided to criminal justice agencies for  
59 criminal justice purposes free of charge.

60 3. Agencies that participate in the fingerprint retention  
61 and search process may adopt rules pursuant to ss. 120.536(1)  
62 and 120.54 to require employers to keep the agency informed of  
63 any change in the affiliation, employment, or contractual status  
64 of each person whose fingerprints are retained under paragraph  
65 (g) when such change removes or eliminates the agency's basis or  
66 need for receiving reports of any arrest of that person, so that  
67 the agency will not be obligated to pay the upcoming annual fee  
68 for the retention and search of that person's fingerprints to  
69 the department.

70 (4) Upon notification that a federal fingerprint retention



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71 program is in effect, and subject to the department being funded  
72 and equipped to participate in such a program, the department  
73 shall, when state and national criminal history records checks  
74 and retention of submitted prints are authorized or required by  
75 law, retain the fingerprints as provided in paragraphs (2) (g)  
76 and (h) and advise the Federal Bureau of Investigation to retain  
77 the fingerprints at the national level for searching against  
78 arrest fingerprint submissions received at the national level.

79 Section 3. Subsections (6) and (11) of section 943.053,  
80 Florida Statutes, are amended to read:

81 943.053 Dissemination of criminal justice information;  
82 fees.—

83 (6) Notwithstanding any other provision of law, the  
84 department shall provide to the ~~Florida~~ Department of Revenue  
85 ~~Child Support Enforcement~~ access to Florida criminal history  
86 records which are not exempt from disclosure under chapter 119,  
87 and to such information as may be lawfully available from other  
88 states via the National Law Enforcement Telecommunications  
89 System, for the purpose of locating subjects who owe or  
90 potentially owe support, as defined in s. 409.2554, or to whom  
91 such obligation is owed pursuant to Title IV-D of the Social  
92 Security Act. Such information may be provided to child support  
93 enforcement authorities in other states for these specific  
94 purposes.

95 (11) A criminal justice agency that is authorized under  
96 federal rules or law to conduct a criminal history background  
97 check on an agency employee who is not certified by the Criminal  
98 Justice Standards and Training Commission under s. 943.12 may  
99 submit to the department the fingerprints of the noncertified



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100 employee to obtain state and national criminal history  
101 information. ~~Effective January 15, 2007,~~ The fingerprints  
102 submitted shall be retained and entered in the statewide  
103 automated fingerprint identification system authorized by s.  
104 943.05 and shall be available for all purposes and uses  
105 authorized for arrest fingerprint submissions ~~cards~~ entered in  
106 the statewide automated fingerprint identification system  
107 pursuant to s. 943.051. The department shall search all arrest  
108 fingerprint submissions ~~cards~~ received pursuant to s. 943.051  
109 against the fingerprints retained in the statewide automated  
110 fingerprint identification system pursuant to this section. In  
111 addition to all purposes and uses authorized for arrest  
112 fingerprint submissions ~~cards~~ for which submitted fingerprints  
113 may be used, any arrest record that is identified with the  
114 retained employee fingerprints must be reported to the  
115 submitting employing agency.

116  
117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

119 Delete line 16

120 and insert:

121 database; amending s. 943.05, F.S.; revising  
122 provisions relating to the Criminal Justice  
123 Information Program under the Department of Law  
124 Enforcement; authorizing agencies to request the  
125 retention of certain fingerprints by the department;  
126 providing for rulemaking to require employers to keep  
127 the agencies informed of any change in the  
128 affiliation, employment, or contractual status of each



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129 person whose fingerprints are retained in certain  
130 circumstances; providing departmental duties upon  
131 notification that a federal fingerprint retention  
132 program is in effect; amending s. 943.053, F.S.;  
133 removing obsolete references relating to the  
134 dissemination of criminal justice information;  
135 amending s.