

**CRIMINAL AND JUVENILE JUSTICE INFORMATION SYSTEMS
(CJJIS) COUNCIL**

MINUTES OF MEETING

**Monday, September 25, 2023
Signia by Hilton Orlando Bonnet Creek
14100 Bonnet Creek Resort Lane
Orlando, FL 32821**

Members Present:

Mike Prendergast, Sheriff, Citrus County Sheriff's Office

Roosevelt Sawyer, Jr., Designee for Eric Maclure, Office of the State Courts Administrator (OSCA)

Chuck Murphy, Designee for Commissioner Mark Glass, Florida Department of Law Enforcement (FDLE)

David James, Designee for Secretary Ricky D. Dixon, Department of Corrections (DC)

Spencer Hathaway for R.J Larizza, State Attorney, 7th Judicial Circuit

Gina Giacomo, Designee for Melinda N. Coonrod, Chair, Florida Commission on Offender Review (COR)

Charles Broadway, Chief, Clermont Police Department

Stacy A. Scott, Public Defender, 8th Judicial Circuit

Members Absent:

Carolyn Timmann, Martin County Clerk of Circuit Court and Comptroller

Giri Vasudevan, Designee for Shevaun Harris, Florida Department of Children and Families (DCF)

Doug Smith, Designee for Attorney General Ashley Moody

Tim Roufa, Designee for Executive Director Dave Kerner, Department of Highway Safety and Motor Vehicles (DHSMV)

WELCOME MEMBERS and OPENING

Chair Prendergast called the meeting to order at 1:01 p.m. and introduced new member, David James, to the CJJIS Council. Chair Prendergast requested a motion to approve the March 28, 2023 CJJIS Council meeting minutes. Council Member Broadway moved and Council Member Sawyer seconded the motion to approve the March 28, 2023 minutes. The motion passed.

ITEM 1
Multi Biometric Identification Solution (MBIS) Update
Bureau Chief Mary Jackson
Florida Department of Law Enforcement
Information and Discussion

Chair Prendergast recognized Chief Mary Jackson who provided an update on MBIS. Chief Jackson announced the MBIS contract was fully executed on October 28, 2022 and work is already underway. As part of the modernization to the Biometric Identification Solution (BIS), the Florida Department of Law Enforcement (FDLE) will receive a cloud-based solution providing faster and more accurate fingerprint searches. FDLE was awarded a total of \$7.2 million in Federal Grant funding as well as approximately \$4.7 million in general revenue funding for this project.

The project is proceeding as a two-phased approach. Phase 1a, moving a copy of our current database to the cloud for disaster recovery, began in December 2022 and was successfully completed in July 2023. Phase 1b, moving our Rapid ID functionality to the cloud, is on schedule to be completed in March 2024. Phase 2, which moves all latent and tenprint processing to the cloud, is on schedule to be implemented at the end of 2024.

FDLE staff members have been working diligently to provide ongoing updates to our local agency partners regarding the project. We have communicated with each individual booking agency, as well as all latent users, to ensure we maintain open lines of communication regarding the current project statuses. We have also requested input from all local agencies on the improvements and changes they would like to see in the modernized system.

FDLE continues to utilize a mailing list to send out regular updates as we continue to make progress on this project. Those who would like more information on how to subscribe to the mailing list, or more information on the project itself, can email our Biometric Services Section at CJISBiometrics@fdle.state.fl.us

No questions were asked by the Council members.

ITEM 2
Florida Uniform Statute Table Update
Bureau Chief Mary Jackson
Florida Department of Law Enforcement
Action Item

Chair Prendergast recognized Chief Mary Jackson who provided an update on Uniform Statute Table. The information provided to the Council for approval reflects the changes to the 2023 Florida Statute Table based on this year's legislative session. Although there is only one table, FDLE provides two views: the Arrest Table and the Clerk Table. The Arrest Table contains the current arrestable offenses and the Clerk Table contains all arrestable offenses as well as historical statutory information. FDLE also provides a Changes Only Table, which documents all of the changes, additions, deactivations, and corrections made to the Florida Statute Table since its last update.

FDLE is seeking approval for this year's publication as well as approval to publish the statute table moving forward without Council approval as long as the only updates made are based on legislative changes.

Action Item: Sheriff Prendergast asked for a motion to adopt the updated Florida Statute Table and for FDLE to publish the statute table moving forward without Council approval as long as the updates are based on legislative changes. Council Member Broadway moved to adopt the updated Florida Statute Table and for FDLE to publish the statute table moving forward without Council approval as long as the updates are based on legislative changes. Council Member Giacomo seconded. The motion passed.

ITEM 3

SB 376 Automatic Sealing of Criminal History Records and Making Confidential and Exempt Related Court Records Update

Bureau Chief Mary Jackson
Florida Department of Law Enforcement
Information and Discussion

Chair Prendergast recognized Chief Mary Jackson who provided an update on SB 376. Senate Bill 376 expanded the current automatic sealing of criminal history records process governed by s. 943.0595, F.S., to include making the criminal history record confidential in the clerk's records. With this change, FDLE shall notify the clerk of the court upon the sealing of the criminal history record and upon such notification, the clerk of the court must automatically keep the related court record confidential. Upon the passing of the bill, FDLE's Crime Information Bureau reached out to Clerk Timmann and the Florida Court Clerks and Comptrollers (FCCC) to partner together in creating a work group for this initiative. The work group initially met on July 17, 2023 and a survey was sent out by the FCCC to all clerk's offices for their input. The work group met several times to discuss the feedback from the survey and the best path forward. At this time, FDLE and the work group have finished requirements gathering and FDLE is currently working with our system vendor to finalize an estimate for the needed technological changes.

The following question and comment were posed during the discussion on SB 376:

- Council Member Scott: What is the timeline to implement the provisions?
- Chief Jackson: We hope to hear back from the vendor this week on a cost estimate and time to implement.

ITEM 4

Bipartisan Safer Communities Act Bureau Chief Tracy Townsend Florida Department of Law Enforcement **Information and Discussion**

Chair Prendergast recognized Chief Tracy Townsend who provided an update on federal Bipartisan Safer Communities Act and an overview of the FDLE's Firearm Eligibility Bureau (FEB), which is comprised of two sections; the Firearm Purchase Program (FPP) and the Eligibility Research Unit (ERU).

FPP is tasked with conducting background checks for individuals who wish to purchase a firearm in Florida, while the Federal Bureau of Investigation (FBI) handles this process for the majority of other states. At the time of the firearm background check, the individual's demographics are compared to records in state and federal databases which include Florida Crime Information Center

(FCIC), the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the National Instant Check Systems, otherwise known as NICS or the NICS Indices.

ERU is responsible for conducting firearm research to help determine an individual's eligibility due to missing information in their criminal record, such as missing dispositions, unknown charge level, and final determinations for probations. The unit is also responsible for firearm appeals and the Florida Mental Competency Application (MECOM).

FDLE acts as a Point of Contact (POC) State with the FBI. As POC, FDLE becomes an extension of the FBI and is required to adhere to their policies and federal statutes, as well as state of Florida policies and statutes. To date, there are 13 states that operate as a full POC, like Florida; 33 Non-POC states which rely on the FBI to conduct their firearm background checks; and 4 Partial-POC states where the gun dealer contacts the state for handguns, and the FBI handles the record checks for long guns.

On June 25, 2022, the Bipartisan Safer Communities Act (BSCA) was signed into law. The Act expanded the firearm background check for individuals under 21 who were seeking to purchase a long gun. The provisions outlined in Act seek to close any gaps in juvenile criminal and/or mental health information that may not already be available when a NICS background check is conducted for a firearm.

The Act set the following requirements for FDLE and the FBI.

1. To perform the expanded background check within 3 days.
2. To contact the state's criminal history repository, juvenile justice information system, and custodian of mental health adjudication records.
3. Contact local law enforcement in the jurisdiction in which the person resides to see if they have any additional information on the individual.

Since FDLE is the repository for criminal history information and mental health records and we have direct access to the Department of Juvenile Justice (DJJ) for our juvenile research, it makes it easier to meet this requirement of the Act.

In Florida, individuals under the age of 21 can only purchase a long gun if they are a law enforcement officer, a correctional officer, or a servicemember per Florida statute 790.065. This narrows the population requiring an expanded background check. This "exception" was put into place due to the Marjory Stoneman Douglas Act in 2018. The ability to purchase a handgun is still federally restricted until the individual's 21st birthday.

Today, when a Florida resident goes to purchase a firearm in Florida, the transaction is submitted by the dealer through the Firearm Eligibility System (FES). In the past, the majority of the individuals who were under 21 that met the exception would be auto-approved due to the individuals not having a criminal record. FDLE modified FES to flag and separate the firearm transactions for individuals under the age of 21 and places those transactions into a separate queue where they will be in a "pending" status until FDLE completes the required research. The ERU then searches DJJ, MECOM, and reaches out to the law enforcement agency with the jurisdictional authority over the area where the individual resides. If no disqualifying information is found after three days, the firearm transaction is approved, and the firearm can be released. Law enforcement agencies can request additional time to conduct the research if they are able to establish cause, but the background must be completed in ten days. If no response is received from the law enforcement agency, it is considered the equivalent of "no information". FDLE makes several attempts to contact the agency for the information within the 3-day timeframe. If an agency fails to respond, it will be noted in our system; and the firearm transaction will be approved; and the firearm can be released. If disqualifying information is discovered, the firearm transaction will be non-approved.

If a Florida resident under the age of 21 makes an out-of-state purchase, the ERU will receive requests to search for Florida mental health and juvenile information from the FBI and the state law enforcement agency in which the purchase is made. The same outreach is conducted for out-of-state purchases as in-state purchases with one exception. A member of the FBI NICS section will reach out directly to local law enforcement. Any information that is provided to FDLE is sent to the requesting agency, so that agency can make a determination on the individual's firearm eligibility for the out-of-state purchases.

Once the law enforcement agency receives a request, it's important to know what type of information is needed. First, the contacted agency only needs to search their internal databases for information that may pertain to the individual as a juvenile. The agency does not need to search CCH, III, FCIC/NCIC, or any other external databases because this was already searched as part of the original firearm background check. The agency will be responsible for searching any applicable internal database(s) for any potentially disqualifying information that does not meet the criteria for entry into a state or national database.

Some examples of this type of information include:

- Known felonies, serious misdemeanors, or drug offenses not reflected on the Florida criminal history;
- Any active warrants not entered into FCIC/NCIC;
- Any concerning mental health interactions with law enforcement or known commitments;
- Active protection orders or extreme risk protection orders;
- Court-ordered firearm restrictions;
- Admittance, known use, and/or a positive field test of an unlawful controlled substance (including recreational and medical marijuana as these could be disqualify for a period of 1 year).

Even though the Act was passed on June 25, 2022, it took FDLE and the FBI a several months to establish policies and procedures, and to modify the FES.

- FDLE's first research request from an out-of-state agency for under 21 (U21) was received on November 23, 2022. As of September 22, 2023, twenty-one U21 research requests have been processed for other state agencies.
- FDLE's first research request from the FBI for under 21 (U21) was received on January 10, 2023. As of September 22, 2023, eighty-one U21 research requests have been processed for the FBI.
- On January 25, 2023, FDLE's Firearm Eligibility System (FES) was modified to "flag" individuals under the age of 22, since that date, 248 research requests have been conducted as of September 22, 2023.
- A total of 350 U21 request completed since the Act was signed into law as of September 22, 2023. with only two non-approvals.

No questions were asked by the Council members.

ITEM 5
FBI CJIS Security Policy Update
CJIS Information Security Officer Chris Eaton
Florida Department of Law Enforcement
Information and Discussion

Chair Prendergast recognized FDLE CJIS Information Security Officer (ISO) Chris Eaton who provided updates to the FBI CJIS Security Policy (CJISSECPOL). The FBI Advisory Policy Board (APB) is adopting additional NIST standards and using the NIST format while applying tailoring to the controls, so it is specific for CJIS. Since the Council last met, there hasn't been new versions of the CJISSECPOL published; however, the APB has approved six additional control groups.

The 18 Control Families that are being used for modernization include:

Access Control (AC)
Awareness and Training (AT)
Audit and Accountability (AU)
Assessment, Authorization, and Monitoring (CA)
Configuration Management (CM)
Contingency Planning (CP)
Identification and Authentication (IA)
Incident Response (IR)
Maintenance (MA)
Media Protection (MP)
Physical and Environmental (PE)
Planning (PL)
Personnel Security (PS)
Risk Assessment (RA)
System and Services Acquisition (SA)
Systems and Communications Protection (SC)
System and Information Integrity (SI)
Supply Chain Risk Management (SR)

AT, IA, MP, and SI have been published in either v. 5.9.1 or 5.9.2 of the CJISSECPOL. AC, AU, CP, IR, MA, PE, PL, RA, SA, and SC have been approved by the FBI, but not yet published. CM is scheduled to be approved in Fall 2023 and CA, PS, and SR will be approved in Spring 2024.

ISO Eaton provided a summary of the changes in CJISSECPOL 5.9.1.

- Policy Area 5.8: Media Protection – Modernized requirements for media policy and procedures, access, marking, storage, transport, sanitization and use
- Policy Area 5.12: Personnel Security – Provided clarification on screening requirements
- Appendix G.3 Cloud Computing – Provided clarification on requirements

Media Protection (MP) Control Family

Version 5.9.1 of the CJISSECPOL was published in October 2022 and included the first modernized control family, media protection. Media Protection involved a total rewrite to the new NIST format.

MP-3 Media Marking

Media marking has not been previously required in policy. Marking of criminal justice information (CJI) is not required if the media remains within the agency's physically secure location or controlled area. If outside the agency's physically secure area, the media shall be marked, and marking should indicate distribution limitations, handling caveats, and applicable security markings of the CJI. Each

agency's policy should outline out how the media is marked. The FBI is clarifying what is acceptable media marking in the next version of the CESSECPOL.

MP-7 Media Use

Media use is a new requirement and restricts the use of media to only agency owned systems. The policy prohibits the use of personally owned devices to access media containing CJI and further prohibits devices that have no identifiable owner. Essentially you can't go plugging in devices (i.e. flash drives or external hard drives), into computers that have been approved to process and store, CJI, **unless** it is an agency owned flash or hard drive.

Summary of changes in v. 5.9.2 include:

- Awareness and Training (AT)
- System and Services Acquisition (SA)
- System and Information Integrity (SI), and
- Identification and Authentication (IA)

Awareness and Training (AT) Control Family

Awareness and Training replaces the former Security and Awareness Training policy area. This is a complete section replacement with the new requirements considered auditable and sanctionable by the FBI on October 1, 2023.

AT-2 Literacy Training and Awareness

Agencies are required to provide literacy training to system users as part of initial training for new users prior to accessing CJI and annually thereafter and when required by system changes and/or within 30 days of a security event. Additionally, the training content should be updated annually and following changes in the information system operating environment, when security incidents occur or when there are changes to the CJISSECPOL, and incorporate lessons learned from internal and externals security incidents and breaches.

To increase security awareness, agencies must employ one or more of the following techniques:

- Display posters
- Supplies inscribed with security and privacy reminders
- Logon screen messages
- Email advisories
- Awareness Events

FDLE has created some sample training and media that will help agencies meet this requirement. Agencies can use this training and media if they wish and tailor it for specific agency needs.

AT-3 Role Based Training

This control is one that is primarily handled by our vendor Peak Performance which covers CJIS Online and nexTEST. The previous levels 1-4 training are being replaced by role-based training. This training will be required **before accessing a CJIS system, and annually thereafter**. As a result of the annual training requirement, Limited and Full Access training will now be required annually, and will contain all of the requirements to meet the security awareness requirements. We are working with the vendor to update the curriculum to meet this requirement.

AT-4 Training Records

Individual training records are required to be maintained for a minimum of three years. This accounts for a three-year audit cycle.

System and Services Acquisition (SA) Control Family

SA-22 Unsupported System Components was fast tracked by the FBI and will become part of the SA control family once it is published. Organizations will be required to replace system components when support is no longer available from the developer, vendor, or manufacture. Unsupported components can result in a security vulnerability to an agency's information system, resulting in a security risk and one of the leading ways cyber criminals attack a network. This change is auditable and sanctionable by the FBI on October 1, 2023.

System and Information Integrity (SI) Control Family

SI requires organizations to manage risks from system flaws and vulnerabilities through the establishment of an effective system and information integrity program. This change is auditable and sanctionable by the FBI on October 1, 2023.

This includes requirements for:

- system monitoring
- security alerts, advisories and directives
- software, firmware, and information integrity
- spam protection
- information input validation
- error handling
- information management and retention/information disposal
- memory protection
- file integrity
- includes timelines for flaw remediation

Identification and Authentication (IA) Control Family

The IA control family was a significant change and a complete replacement in policy. The big takeaway is multi-factor authentication (MFA) will now be required for agencies that access CJI. It doesn't matter who you are or where you are, MFA will be required and applies for privileged and non-privileged accounts. MFA can occur at the network level or the application level. The requirements are complicated. Each type of authenticator has a specific set of requirements. FDLE is working hard to understand the requirements so we can help agencies comply. This change is auditable and sanctionable by the FBI on October 1, 2024.

Future CJISSECPOL Updates

Three control families were approved by the APB in December 2022. Once approved by the FBI Director, these control families will be included in v. 5.9.3, which is expected to be published in Fall 2023.

Access Control (AC) – includes the collection of additional attributes under account management, timelines for account changes, session termination requirements, and restricting bring your own devices from processing, storing or transmitting CJI.

Incident Response (IR) – involves requirements for training and testing of incident response capabilities annually and reporting requirements.

Maintenance (MA) – includes controlling maintenance activities, designating approved maintenance tools, managing remote maintenance, and authorizing maintenance personal.

Six control families were approved by the APB in June 2023 with an anticipated publish date of Spring 2024 as part of v. 5.9.4. The control families include:

Planning (PL) – includes systemwide security and privacy plans, user rules of behavior, security, and privacy architecture.

Physical and Environmental Protection (PE) - includes environmental controls, fire protection, emergency lightening and power, water damage protection, and alternate work sites.
Contingency Planning (CP) – involves alternate storage and processing sites, developing a contingency plan, system backup strategy and alternate telecommunication services.
Audit and Accountability (AU) – encompasses storage space for audit logs and searchable reports.
System and Communications Protection (SC) – includes denial of service protection, network disconnect, and cryptographic key establishment and management.
Risk Assessment (RA) – involves conducting and documenting a risk assessment and performing vulnerability scanning and monitoring.

Questions from the Council:

- Council Member Giacomo: Can the presentation be provided to the Council members.
- ISO Eaton: Yes.
- Council Member Sawyer: Thanked FDLE for meeting with OSCA to discuss the CJISSECPOL changes. Will FDLE make the change from level to role-based?
- ISO Eaton: Yes, we are currently working with the vendor. We expect to make the change in early October and will provide a CJIS memorandum outlining the changes.

ITEM 6 **eAgent 2.0 Update** **Information Sheet**

Chair Prendergast asked Council members to review the information sheet included in the agenda packet regarding the eAgent 2.0 upgrade.

No questions were asked by the Council members.

ITEM 7 **Chair and Vice Chair Elections** CJIS Director Lucy Saunders Florida Department of Law Enforcement **Action Item**

Chair Prendergast recognized CJIS Director Lucy Saunders who opened the floor for nominations for the CJJIS Council Chair. Council Member Prendergast nominated Roosevelt Sawyer for Chair, and Council Member Broadway concurred. There were no other nominations.

Sheriff Prendergast nominated Council Member Broadway for Vice Chair and Council Member Scott concurred. There were no additional nominations.

Congratulations Chair Sawyer and Vice Chair Broadway.

CLOSING REMARKS

Chair Sawyer shared the following regularly scheduled meeting dates:

- Tuesday, March 26, 2024 from 9:30 – noon: This will be a virtual meeting.

- Monday, October 21, 2024 (Time to be determined) The meeting will be an in-person only meeting and will be co-located at the 2024 CJIS Annual Training Symposium venue at the Hilton Daytona Beach Oceanfront Resort.

Chair Sawyer asked for a motion to adjourn. Council Member Prendergast moved to adjourn the meeting, and Council Member Murphy seconded. The meeting was adjourned at 1:41 p.m.