

By the Committee on Appropriations; and Senator Crist

309-2076-03

1 A bill to be entitled
 2 An act relating to fees collected by law
 3 enforcement agencies; amending s. 938.07, F.S.;
 4 increasing the court cost imposed upon a
 5 conviction for driving under the influence or
 6 boating under the influence; increasing the
 7 amount of such court cost to be deposited for
 8 use by the Department of Law Enforcement;
 9 providing for that amount to be deposited into
 10 the Operating Trust Fund of the department;
 11 amending s. 943.053, F.S.; establishing a
 12 schedule of fees to be collected by the
 13 Department of Law Enforcement for producing
 14 criminal history information; authorizing the
 15 executive director of the department to reduce
 16 such fees for good cause; providing an
 17 effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Section 938.07, Florida Statutes, is
 22 amended to read:

23 938.07 Driving or boating under the
 24 influence.--Notwithstanding any other provision of s. 316.193
 25 or s. 327.35, a court cost of ~~\$185~~\$135 shall be added to any
 26 fine imposed pursuant to s. 316.193 or s. 327.35. The clerks
 27 shall remit the funds to the Department of Revenue, \$25 of
 28 which shall be deposited in the Emergency Medical Services
 29 Trust Fund, \$100 of which~~\$50~~ shall be deposited in the
 30 Operating Criminal Justice Standards and Training Trust Fund
 31 of the Department of Law Enforcement to be used for

1 operational expenses in conducting the statewide criminal
2 analysis laboratory system established in s. 943.32, and \$60
3 of which shall be deposited in the Brain and Spinal Cord
4 Injury Rehabilitation Trust Fund created in s. 381.79.

5 Section 2. Subsection (3) of section 943.053, Florida
6 Statutes, is amended to read:

7 943.053 Dissemination of criminal justice information;
8 fees.--

9 (3)(a) Criminal history information, including
10 information relating to minors, compiled by the Criminal
11 Justice Information Program from intrastate sources shall be
12 available on a priority basis to criminal justice agencies for
13 criminal justice purposes free of charge ~~and, otherwise, to~~
14 ~~governmental agencies not qualified as criminal justice~~
15 ~~agencies on an approximate-cost basis.~~ After providing the
16 program with all known identifying information, persons in the
17 private sector and noncriminal justice agencies may be
18 provided criminal history information upon tender of fees as
19 established in this subsection and in the manner prescribed by
20 rule of the Department of Law Enforcement. Such fees are to
21 offset ~~shall approximate~~ the actual cost of producing the
22 record information, including. ~~As used in this subsection, the~~
23 ~~department's determination of actual cost shall take into~~
24 ~~account~~ the total cost of creating, storing, maintaining,
25 updating, retrieving, improving, and providing criminal
26 history information in a centralized, automated database,
27 including personnel, technology, and infrastructure expenses.
28 ~~Actual cost shall be computed on a fee-per-record basis, and~~
29 Any access to criminal history information by the private
30 sector or noncriminal justice agencies as provided in this
31 subsection shall be assessed ~~the per-record fee~~ without regard

1 to the quantity or category of criminal history record
2 information requested. Fees may be waived or reduced by the
3 executive director of the Department of Law Enforcement for
4 good cause shown.

5 (b) The fee per record for criminal history
6 information provided pursuant to this subsection is
7 established as follows:

8 1. The fee for governmental agencies that do not
9 collect the fee from the applicant or another private source
10 is \$20 for each name submitted.

11 2. The fee for governmental agencies that collect the
12 fee from the applicant, whether required by law, at the
13 agency's discretion, or from another private source, is \$30
14 for each name submitted.

15 3. The fee for vendors of the Department of Children
16 and Family Services, the Department of Juvenile Justice, and
17 the Department of Elder Affairs is \$10 for each name
18 submitted.

19 4. The fee for requests under the National Child
20 Protection Act, as amended, is \$18 for each volunteer name
21 submitted and \$24 for each other name submitted, as limited by
22 federal law.

23 5. The fee for all other requests is \$30 for each name
24 submitted.

25 Section 3. This act shall take effect July 1, 2003.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 350

4 The Committee Substitute for Senate Bill 350 increases the
5 court cost for the conviction of driving under the influence
6 or boating under the influence of alcohol from \$135 to \$185.
7 The \$50 increase will be deposited into the Operating Trust
8 Fund in the Florida Department of Law Enforcement (FDLE). The
9 bill also increases fees for the criminal history background
10 checks by FDLE. The current fee is \$15 for each records check
11 with the exception of Department of Children and Family
12 Services (DCF), Department of Elder Affairs (DEA), and
13 Department of Juvenile Justice (DJJ), which is \$8. The new
14 fee structure will increase the fee to \$20 for government
15 agencies, \$30 for private sources, and \$10 for DCF, DEA, and
16 DJJ.