

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Bilirakis offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause, and insert:

Section 1. Subsection (3) of section 943.053, Florida Statutes, is amended to read:

943.053 Dissemination of criminal justice information; fees.--

(3) Criminal history information, including information relating to minors, compiled by the Criminal Justice Information Program from intrastate sources shall be available on a priority basis to criminal justice agencies, including state attorney offices and public defender offices, for criminal justice purposes free of charge ~~and, otherwise, to governmental agencies not qualified as criminal justice agencies on an approximate-est basis~~. After providing the program with all known identifying information, persons in the private sector and

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28 noncriminal justice agencies may be provided criminal history  
 29 information upon tender of fees as established and in the manner  
 30 prescribed by rule of the Department of Law Enforcement or as  
 31 otherwise established by the Legislature. Such fees shall, at a  
 32 minimum, ensure that the department is recovering approximate  
 33 ~~the actual cost of producing the record information. As used in~~  
 34 ~~this subsection, the department's determination of actual cost~~  
 35 ~~shall take into account~~ the total cost of creating, storing,  
 36 maintaining, updating, retrieving, improving, and providing  
 37 criminal history information in a centralized, automated  
 38 database, including personnel, technology, and infrastructure  
 39 expenses. The fees to be collected ~~Actual cost~~ shall be computed  
 40 on a fee-per-record basis, and any access to criminal history  
 41 information by the private sector or noncriminal justice  
 42 agencies as provided in this subsection shall be assessed ~~the~~  
 43 ~~per-record fee~~ without regard to the quantity or category of  
 44 criminal history record information requested. Any fee imposed  
 45 pursuant to this subsection shall not exceed \$23 and Fees may be  
 46 waived or reduced by the executive director of the Department of  
 47 Law Enforcement for good cause shown.

48 Section 2. If any law amended by this act was also amended  
 49 by a law enacted at the 2003 Regular Session of the Legislature,  
 50 such laws shall be construed as if they had been enacted at the  
 51 same session of the Legislature, and full effect shall be given  
 52 to each if possible.

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

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

56 Remove the entire title, and insert:

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A bill to be entitled  
An act relating to criminal history information fees;  
amending s. 943.053, F.S.; revising provisions relating to  
fees collected by the Department of Law Enforcement for  
producing criminal history information; providing a  
maximum fee limitation; authorizing the executive director  
of the department to reduce such fees under certain  
circumstances; providing for construction of the act in  
pari materia with laws enacted during the 2003 Regular  
Session of the Legislature; providing an effective date.