

By Senator Crist

12-2568A-03

1                                   A bill to be entitled  
2           An act relating to criminal history records;  
3           amending s. 943.053, F.S.; establishing a  
4           schedule of fees to be collected by the  
5           Department of Law Enforcement for producing  
6           criminal history information; authorizing the  
7           executive director of the department to reduce  
8           such fees for good cause; providing for  
9           construction of the act in pari materia with  
10          laws enacted during the Regular Session of the  
11          Legislature; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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

17           943.053 Dissemination of criminal justice information;  
18 fees.--

19           (3)(a) Criminal history information, including  
20 information relating to minors, compiled by the Criminal  
21 Justice Information Program from intrastate sources shall be  
22 available on a priority basis to criminal justice agencies for  
23 criminal justice purposes free of charge ~~and, otherwise, to~~  
24 ~~governmental agencies not qualified as criminal justice~~  
25 ~~agencies on an approximate-cost basis.~~ After providing the  
26 program with all known identifying information, persons in the  
27 private sector and noncriminal justice agencies may be  
28 provided criminal history information upon tender of fees as  
29 established in this subsection and in the manner prescribed by  
30 rule of the Department of Law Enforcement. Such fees are to  
31 offset ~~shall approximate~~ the ~~actual~~ cost of producing the

1 record information, including. ~~As used in this subsection, the~~  
2 ~~department's determination of actual cost shall take into~~  
3 ~~account~~ the total cost of creating, storing, maintaining,  
4 updating, retrieving, improving, and providing criminal  
5 history information in a centralized, automated database,  
6 including personnel, technology, and infrastructure expenses.  
7 ~~Actual cost shall be computed on a fee-per-record basis, and~~  
8 Any access to criminal history information by the private  
9 sector or noncriminal justice agencies as provided in this  
10 subsection shall be assessed ~~the per-record fee~~ without regard  
11 to the quantity or category of criminal history record  
12 information requested. Fees may be waived or reduced by the  
13 executive director of the Department of Law Enforcement for  
14 good cause shown.

15 (b) The fee per record for criminal history  
16 information provided pursuant to this subsection is  
17 established as follows:

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

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

25 3. The fee for vendors of the Department of Children  
26 and Family Services, the Department of Juvenile Justice, and  
27 the Department of Elder Affairs is \$10 for each name  
28 submitted.

29 4. The fee for requests under the National Child  
30 Protection Act, as amended, is \$18 for each volunteer name  
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1 submitted and \$24 for each other name submitted, as limited by  
2 federal law.

3 5. The fee for all other requests is \$30 for each name  
4 submitted.

5 Section 2. If any law that is amended by this act was  
6 also amended by a law enacted at the 2003 Regular Session of  
7 the Legislature, such laws shall be construed as if they had  
8 been enacted during the same session of the Legislature, and  
9 full effect should be given to each if that is possible.

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

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13 SENATE SUMMARY

14 Provides a schedule of fees to be collected by the  
15 Department of Law Enforcement for providing criminal  
16 history information. (See bill for details.)

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