

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; amending s. 1012.32, F.S.;  
12          requiring both instructional and  
13          noninstructional personnel of charter schools  
14          to file fingerprints with the school board of  
15          the district within which the charter school is  
16          located; providing that contractors have the  
17          same probationary status as employees;  
18          providing duties of the Department of Law  
19          Enforcement with respect to retention and  
20          search of fingerprint records submitted on  
21          behalf of school employees and contractors;  
22          providing for fees; providing an effective  
23          date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Subsection (3) of section 943.053, Florida  
28   Statutes, is amended to read:

29           943.053 Dissemination of criminal justice information;  
30   fees.--

31

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

28           **(b) The fee per record for criminal history**  
29 **information provided pursuant to this subsection is \$24 per**  
30 **name submitted, except that the fee for vendors of the**  
31 **Department of Children and Family Services, the Department of**

1 Juvenile Justice, and the Department of Elder Affairs shall be  
2 \$12 for each name submitted; the fee for a state criminal  
3 history provided for application processing as required by law  
4 to be performed by the Department of Agriculture and Consumer  
5 Services shall be \$15 for each name submitted; and the fee for  
6 requests under the National Child Protection Act shall be \$18  
7 for each volunteer name submitted. The state offices of the  
8 Public Defender shall not be assessed a fee for Florida  
9 criminal history information or wanted person information.

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

15 Section 3. Subsection (2) of section 1012.32, Florida  
16 Statutes, is amended to read:

17 1012.32 Qualifications of personnel.--

18 (2)(a) Instructional and noninstructional personnel  
19 who are hired to fill positions requiring direct contact with  
20 students in any district school system or university lab  
21 school shall, upon employment, file a complete set of  
22 fingerprints taken by an authorized law enforcement officer or  
23 an employee of the school or district who is trained to take  
24 fingerprints. Instructional and noninstructional personnel who  
25 are hired or contracted to fill positions in any charter  
26 school and members of the governing board of any charter  
27 school, in compliance with s. 1002.33(12)(g), shall, upon  
28 employment, engagement of services, or appointment, file with  
29 the district school board for the district in which the  
30 charter school is located a complete set of fingerprints taken  
31 by an authorized law enforcement officer or an employee of the

1 school or district who is trained to take fingerprints. These  
2 fingerprints shall be submitted to the Department of Law  
3 Enforcement for state processing and to the Federal Bureau of  
4 Investigation for federal processing. The new employees or  
5 contractors shall be on probationary status pending  
6 fingerprint processing and determination of compliance with  
7 standards of good moral character. Employees or contractors  
8 found through fingerprint processing to have been convicted of  
9 a crime involving moral turpitude shall not be employed or  
10 engaged to provide services in any position requiring direct  
11 contact with students. Probationary employees or contractors  
12 terminated because of their criminal record shall have the  
13 right to appeal such decisions. The cost of the fingerprint  
14 processing may be borne by the district school board, the  
15 charter school, or the employee, or the contractor.

16 (b) Personnel who have been fingerprinted or screened  
17 pursuant to this subsection and who have not been unemployed  
18 or unengaged to provide services in a public or charter school  
19 for more than 90 days shall not be required to be  
20 refingerprinted or rescreened in order to comply with the  
21 requirements of this subsection.

22 (c) Beginning July 1, 2003, all fingerprints submitted  
23 to the Department of Law Enforcement as required by paragraph  
24 (a) shall be retained by the Department of Law Enforcement and  
25 entered into the statewide automated fingerprint  
26 identification system authorized by s. 943.05(2)(b). Such  
27 fingerprints shall thereafter be available for all purposes  
28 and uses authorized for arrest fingerprint cards entered in  
29 the statewide automated fingerprint identification system  
30 pursuant to s. 943.051.

31 Section 4. This act shall take effect July 1, 2003.