HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:   H0033A   Criminal History Information Fees
SPONSOR(S): Bilirakis
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Appropriations	39 Y, 0 N	Davis	Hansen
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

This bill amends section 943.053, Florida Statutes, increasing fees for criminal history background checks by the Florida Department of Law Enforcement (FDLE). The current fee is $15 for each records check, with the exception of background checks for the Department of Children and Family Services (DCF), Department of Elder Affairs (DOEA), and Department of Juvenile Justice (DJJ), which is $8. The new fee structure will increase the fee to a maximum of $23 for noncriminal justice agencies and the private sector. Any increase in fees collected for criminal history background checks will cover the cost of managing the state's criminal history information system which is to be self-funded by these fees.

This bill does not require a specific appropriation and there is no net impact on the operational expenditures within the department.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

1. Reduce government?	Yes[]	No[]	N/A[x]
2. Lower taxes?	Yes[]	No[]	N/A[x]
3. Expand individual freedom?	Yes[]	No[]	N/A[x]
4. Increase personal responsibility?	Yes[]	No[]	N/A[x]
5. Empower families?	Yes[]	No[]	N/A[x]

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill proposes an increase in the fee for criminal history background checks to cover the cost of managing the state's criminal history information system. While the department may establish the fee structure by rule, HB 33A provides that fees shall not exceed $23 for criminal history information requested by the private sector or noncriminal justice agencies. This is an $8 increase, from $15 to $23. It is anticipated that DCF, DOEA and DJJ would maintain an $8 fee while other criminal justice agencies may obtain information free under current and proposed law.

Any increase provided by the revised criminal history fees under s. 943.053, F.S., is intended to cover increased expenses of managing the state's criminal history information system, which is intended to be self-funded. There will be no net impact on the operational expenditures in the department.

C. SECTION DIRECTORY:

Section 1. Amends s. 943.053, F.S., providing a maximum fee limitation collected for producing criminal history information. It also includes state attorney and public defender offices on the list of criminal justice agencies where this information is available free of charge.

Section 2. Provides that if any law amended by this act was also amended by a law enacted during the 2003 regular legislative session, both shall be treated as having been enacted during the same session, and full effect shall be given to each to the extent possible.

Section 3. Provides for an effective date of July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

An $8 increase, while averaging 1,500,000 criminal history record checks annually, generates approximately $12 million to manage the state's criminal history information system.

2. Expenditures:

Noncriminal justice state agencies that currently pay $15 for a criminal history record check would now pay $23 under HB 33A. This increased fee will cause these agencies to spend funds only to the extent that they choose to submit requests to FDLE.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Local government customers that currently pay $15 for a criminal history record check would now pay $23 under HB 33A. This increased fee will cause counties and municipalities to spend funds only to the extent that they choose to submit requests to FDLE. Requests from county and municipal law enforcement agencies are exempt from any fee for such requests.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There will be an $8 fee increase for those that choose to submit criminal history records requests to FDLE.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill would not require a county or municipality to spend funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not change current law which allows FDLE to set a fee structure relating to criminal history checks, but it does establish a maximum fee of $23.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES