



HB 0033A

2003

1 A bill to be entitled

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

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (3) of section 943.053, Florida
15 Statutes, is amended to read:

16 943.053 Dissemination of criminal justice information;
17 fees.--

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



HB 0033A

2003

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

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

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