

Senate Bill No. 10-A

An act relating to criminal history records; amending s. 943.053, F.S.; establishing a schedule of fees to be collected by the Department of Law Enforcement for producing criminal history information; authorizing the executive director of the department to reduce such fees for good cause; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

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

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

943.053 Dissemination of criminal justice information; fees.—

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

(b) The fee per record for criminal history information provided pursuant to this subsection is \$23 per name submitted, except that the fee for vendors of the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Elderly Affairs shall be \$8 for each name submitted; the fee for a state criminal history provided for application processing as required by law to be performed by the Department of Agriculture and Consumer Services shall be \$15 for each name submitted; and the fee for requests under the National Child Protection Act shall be \$18 for each volunteer name submitted. The state offices of the Public Defender shall not be assessed a fee for Florida criminal history information or wanted person information.

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

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

Approved by the Governor June 26, 2003.

Filed in Office Secretary of State June 26, 2003.