

## Committee Substitute for Senate Bill No. 1792

An act relating to criminal justice information; amending s. 943.053, F.S.; deleting provisions requiring that fees collected from the private sector or noncriminal justice agencies for criminal history information be applied to offset the cost of producing the information; eliminating authorization for the executive director of the Department of Law Enforcement to waive such fees; increasing the amount of the fee charged per record for criminal history information; repealing s. 741.316(3), F.S., relating to provisions requiring that local domestic violence fatality review teams collect data concerning incidents of domestic violence and provisions requiring that the Department of Law Enforcement prepare an annual report using such date; 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. 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 the cost of producing the record information, including 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.~~ Any access to criminal history information by the private sector or noncriminal justice agencies as provided in this subsection shall be assessed 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 ~~\$24~~ \$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. Subsection (3) of section 741.316, Florida Statutes, is repealed.

Section 3. This act shall take effect July 1, 2008.

Approved by the Governor June 10, 2008.

Filed in Office Secretary of State June 10, 2008.