

## CHAPTER 2016-162

### Senate Bill No. 628

An act relating to fees for records; amending s. 943.053, F.S.; adding the Agency for Persons with Disabilities to the list of specified state entities and vendors that pay a reduced fee per record for criminal history information for each name submitted; reenacting ss. 110.1127(4), 435.04(1)(e), 496.4101(3)(b), and 943.0542(2)(c), F.S., relating to employee background screenings and investigations, level 2 screening standards, licensure of professional solicitors and certain employees thereof, and access to criminal history information provided by the Department of Law Enforcement to qualified entities, respectively, to incorporate the amendment made to s. 943.053, F.S., in references thereto; 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 intrastate 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 personal 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. 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.

(b) The fee per record for criminal history information provided pursuant to this subsection and s. 943.0542 is \$24 per name submitted, except that the fee for the guardian ad litem program and vendors of the Department of Children and Families, the Department of Juvenile Justice, the Agency for Persons with Disabilities, 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 s. 943.0542, which implements 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. For the purpose of incorporating the amendment made by this act to section 943.053, Florida Statutes, in a reference thereto, subsection (4) of section 110.1127, Florida Statutes, is reenacted to read:

110.1127 Employee background screening and investigations.—

(4) Background screening and investigations shall be conducted at the expense of the employing agency. If fingerprinting is required, the fingerprints shall be taken by the employing agency, a law enforcement agency, or a vendor as authorized pursuant to s. 435.04, submitted to the Department of Law Enforcement for state processing, and forwarded by the Department of Law Enforcement to the Federal Bureau of Investigation for national processing. The agency or vendor shall remit the processing fees required by s. 943.053 to the Department of Law Enforcement.

Section 3. For the purpose of incorporating the amendment made by this act to section 943.053, Florida Statutes, in a reference thereto, paragraph (e) of subsection (1) of section 435.04, Florida Statutes, is reenacted to read:

435.04 Level 2 screening standards.—

(1)

(e) Vendors who submit fingerprints on behalf of employers must:

1. Meet the requirements of s. 943.053; and

2. Have the ability to communicate electronically with the state agency accepting screening results from the Department of Law Enforcement and provide the applicant’s full first name, middle initial, and last name; social security number or individual taxpayer identification number; date of birth; mailing address; sex; and race.

Section 4. For the purpose of incorporating the amendment made by this act to section 943.053, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 496.4101, Florida Statutes, is reenacted to read:

496.4101 Licensure of professional solicitors and certain employees thereof.—

(3)

(b) Fees for state and federal fingerprint processing and fingerprint retention fees shall be borne by the applicant. The state cost for fingerprint processing is that authorized in s. 943.053(3)(b) for records provided to persons or entities other than those specified as exceptions therein.

Section 5. For the purpose of incorporating the amendment made by this act to section 943.053, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 943.0542, Florida Statutes, is reenacted to read:

943.0542 Access to criminal history information provided by the department to qualified entities.—

(2)

(c) Each such request must be accompanied by payment of a fee for a statewide criminal history check by the department established by s. 943.053, plus the amount currently prescribed by the Federal Bureau of Investigation for the national criminal history check in compliance with the National Child Protection Act of 1993, as amended. Payments must be made in the manner prescribed by the department by rule.

Section 6. This act shall take effect July 1, 2016.

Approved by the Governor March 30, 2016.

Filed in Office Secretary of State March 30, 2016.