

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB10-A

SPONSOR: Senator Crist

SUBJECT: Criminal History Records

DATE: May 12, 2003 REVISED: 05/14/03 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sadberry</u>	<u>Coburn</u>	<u>AP</u>	<u>Fav/1 Amendment</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill increases fees for criminal history background checks by 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 (DEA), and Department of Juvenile Justice (DJJ), which are \$8. The new fee structure will increase the fee to \$20 for government agencies that do not collect the fee from the applicant or another private source, \$30 for government agencies that collect the fee from the applicant or another private source, whether required by law or at the agency's discretion, \$10 for DCF, DEA and DJJ and \$30 for all other requests.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: s. 943.05, F.S.

II. Present Situation:

Under s. 943.053, F.S., FDLE is charged with maintaining Florida's criminal history database and system and making the law enforcement and public records versions of those criminal histories available to those seeking them. Under current s. 943.053(3), F.S., criminal history information is provided to "governmental agencies not qualified as criminal justice agencies" on an "approximate-cost basis." Calculating "approximate-cost" becomes difficult since s. 943.053, F.S., anticipates capturing overall costs of the entire FDLE criminal history information system, specifically the cost of creating, storing, maintaining, updating, retrieving, improving, and providing criminal history information in a centralized, automated database, including personnel, technology, and infrastructure expenses. FDLE currently establishes fees via rule.

III. Effect of Proposed Changes:

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 via fees. There will be no net impact on the operational expenditures in the department.

This bill proposes an increase in the fee for criminal history background checks from \$15 to \$20 per criminal history requested by government agencies (with the exception of criminal justice agencies) that do not collect the fee from the applicant or another private source, from \$15 to \$30 for government agencies that collect the fee from the applicant or another private source, whether required by law or at the agency's discretion, from \$8 to \$10 per request for DCF, DEA, and DJJ and from \$15 to \$30 for all other requests. Criminal justice agencies would continue to obtain information without change under the proposed law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Local government customers that currently pay \$15 for a criminal history record check would now pay \$20 under SB 10-A. 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.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Appropriations:

Requires institutional and non-institutional personal who are hired or contracted to fill positions in charter schools to submit a complete set of fingerprints to be placed on file with the local school district and with the Florida Department of Law Enforcement.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
