

By Senator Richter

23-00543-16

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1 A bill to be entitled
2 An act relating to fees for records; amending s.
3 943.053, F.S.; adding the Agency for Persons with
4 Disabilities to the list of specified state entities
5 and vendors that pay a reduced fee per record for
6 criminal history information for each name submitted;
7 reenacting ss. 110.1127(4), 435.04(1)(e),
8 496.4101(3)(b), and 943.0542(2)(c), F.S., relating to
9 employee background screenings and investigations,
10 level 2 screening standards, licensure of professional
11 solicitors and certain employees thereof, and access
12 to criminal history information provided by the
13 Department of Law Enforcement to qualified entities,
14 respectively, to incorporate the amendment made to s.
15 943.053, F.S., in references thereto; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (3) of section 943.053, Florida
21 Statutes, is amended to read:

22 943.053 Dissemination of criminal justice information;
23 fees.—

24 (3) (a) Criminal history information, including information
25 relating to minors, compiled by the Criminal Justice Information
26 Program from intrastate sources shall be available on a priority
27 basis to criminal justice agencies for criminal justice purposes
28 free of charge. After providing the program with all known
29 personal identifying information, persons in the private sector

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30 and noncriminal justice agencies may be provided criminal
31 history information upon tender of fees as established in this
32 subsection and in the manner prescribed by rule of the
33 Department of Law Enforcement. Any access to criminal history
34 information by the private sector or noncriminal justice
35 agencies as provided in this subsection shall be assessed
36 without regard to the quantity or category of criminal history
37 record information requested.

38 (b) The fee per record for criminal history information
39 provided pursuant to this subsection and s. 943.0542 is \$24 per
40 name submitted, except that the fee for the guardian ad litem
41 program and vendors of the Department of Children and Families,
42 the Department of Juvenile Justice, the Agency for Persons with
43 Disabilities, and the Department of Elderly Affairs shall be \$8
44 for each name submitted; the fee for a state criminal history
45 provided for application processing as required by law to be
46 performed by the Department of Agriculture and Consumer Services
47 shall be \$15 for each name submitted; and the fee for requests
48 under s. 943.0542, which implements the National Child
49 Protection Act, shall be \$18 for each volunteer name submitted.
50 The state offices of the Public Defender shall not be assessed a
51 fee for Florida criminal history information or wanted person
52 information.

53 Section 2. For the purpose of incorporating the amendment
54 made by this act to section 943.053, Florida Statutes, in a
55 reference thereto, subsection (4) of section 110.1127, Florida
56 Statutes, is reenacted to read:

57 110.1127 Employee background screening and investigations.-

58 (4) Background screening and investigations shall be

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59 conducted at the expense of the employing agency. If
60 fingerprinting is required, the fingerprints shall be taken by
61 the employing agency, a law enforcement agency, or a vendor as
62 authorized pursuant to s. 435.04, submitted to the Department of
63 Law Enforcement for state processing, and forwarded by the
64 Department of Law Enforcement to the Federal Bureau of
65 Investigation for national processing. The agency or vendor
66 shall remit the processing fees required by s. 943.053 to the
67 Department of Law Enforcement.

68 Section 3. For the purpose of incorporating the amendment
69 made by this act to section 943.053, Florida Statutes, in a
70 reference thereto, paragraph (e) of subsection (1) of section
71 435.04, Florida Statutes, is reenacted to read:

72 435.04 Level 2 screening standards.—

73 (1)

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

76 1. Meet the requirements of s. 943.053; and

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

83 Section 4. For the purpose of incorporating the amendment
84 made by this act to section 943.053, Florida Statutes, in a
85 reference thereto, paragraph (b) of subsection (3) of section
86 496.4101, Florida Statutes, is reenacted to read:

87 496.4101 Licensure of professional solicitors and certain

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88 employees thereof.-

89 (3)

90 (b) Fees for state and federal fingerprint processing and
91 fingerprint retention fees shall be borne by the applicant. The
92 state cost for fingerprint processing is that authorized in s.
93 943.053(3)(b) for records provided to persons or entities other
94 than those specified as exceptions therein.

95 Section 5. For the purpose of incorporating the amendment
96 made by this act to section 943.053, Florida Statutes, in a
97 reference thereto, paragraph (c) of subsection (2) of section
98 943.0542, Florida Statutes, is reenacted to read:

99 943.0542 Access to criminal history information provided by
100 the department to qualified entities.-

101 (2)

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

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