

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

HB 7009 — OGSR/Juvenile Criminal History Records

by Government Operations Subcommittee and Rep. Barnaby and others (SB 7012 by Criminal Justice Committee)

The bill amends ss. 943.053 and 985.04, F.S., to save from repeal the current exemptions from public records disclosure for certain criminal history information of juveniles.

In 2016, the Legislature amended ss. 943.053 and 985.04, F.S., to make the same criminal history information of juveniles confidential and exempt from s. 119.07(1), F.S., and Art. 1, s. 24(a), State Constitution. Section 943.053(3)(b), F.S., provides that criminal history information relating to juveniles compiled by the Criminal Justice Information Program is confidential and exempt, except when the juvenile has been taken into custody for, charged with, or found guilty of a felony offense, or the juvenile has been transferred to adult court.

Section 943.053(3)(c), F.S., provides that criminal history information relating to juveniles, even if confidential and exempt, must be available to:

- Criminal justice agencies for criminal justice purposes;
- The person to whom the record relates, or his or her attorney;
- The parent, guardian, or legal custodian of the person to whom the record relates, provided that such a person has not reached the age of majority, been emancipated by a court, or been legally married; or
- An agency or entity specified in ss. 943.0585(6) or 943.059(6), F.S.

The original public necessity statement for the bill states that it is in the best interest of the public that individuals with juvenile misdemeanor records be given the opportunity to become contributing members of society. Therefore, prohibiting the unfettered release of juvenile misdemeanor records and certain criminal history information relating to a juvenile compiled by the Criminal Justice Information Program is of greater importance than any public benefit that may be derived from the full disclosure and release of such arrest records and information.

Sections 943.053 and 985.04, F.S., relating to criminal history information of juveniles, are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2021, unless reviewed and saved from the repeal through reenactment by the Legislature. This bill removes this repeal language.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 39-0; House 116-0