

By Representative Melvin

1 A bill to be entitled
2 An act relating to confidentiality of juvenile
3 records; amending s. 985.04, F.S.; expanding
4 disclosure provisions to include all arrest
5 reports relating to juveniles; reenacting ss.
6 985.212(1)(b) and 985.31(4)(k), F.S., to
7 incorporate the amendment to s. 985.04, F.S.,
8 in references thereto; providing an effective
9 date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsection (5) of section 985.04, Florida
14 Statutes, is amended to read:

15 985.04 Oaths; records; confidential information.--

16 (5) Notwithstanding any other provisions of this part,
17 the name, photograph, address, and crime or arrest report of a
18 child+

19 ~~(a) Taken into custody if the child has been taken~~
20 ~~into custody by a law enforcement officer for a violation of~~
21 ~~law which, if committed by an adult, would be a felony; or~~

22 ~~(b) Found by a court to have committed three or more~~
23 ~~violations of law which, if committed by an adult, would be~~
24 ~~misdemeanors~~

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26 shall not be considered confidential and exempt from the
27 provisions of s. 119.07(1) solely because of the child's age.

28 Section 2. For the purpose of incorporating the
29 amendment to section 985.04, Florida Statutes, in references
30 thereto, the sections or subdivisions of Florida Statutes set
31 forth below are reenacted to read:

1 985.212 Fingerprinting and photographing.--
2 (1)
3 (b) A child who is charged with or found to have
4 committed one of the following offenses shall be
5 fingerprinted, and the fingerprints shall be submitted to the
6 Department of Law Enforcement as provided in s. 943.051(3)(b):
7 1. Assault, as defined in s. 784.011.
8 2. Battery, as defined in s. 784.03.
9 3. Carrying a concealed weapon, as defined in s.
10 790.01(1).
11 4. Unlawful use of destructive devices or bombs, as
12 defined in s. 790.1615(1).
13 5. Negligent treatment of children, as defined in
14 former s. 827.05.
15 6. Assault on a law enforcement officer, a
16 firefighter, or other specified officers, as defined in s.
17 784.07(2)(a).
18 7. Open carrying of a weapon, as defined in s.
19 790.053.
20 8. Exposure of sexual organs, as defined in s. 800.03.
21 9. Unlawful possession of a firearm, as defined in s.
22 790.22(5).
23 10. Petit theft, as defined in s. 812.014.
24 11. Cruelty to animals, as defined in s. 828.12(1).
25 12. Arson, resulting in bodily harm to a firefighter,
26 as defined in s. 806.031(1).
27 13. Unlawful possession or discharge of a weapon or
28 firearm at a school-sponsored event or on school property as
29 defined in s. 790.115.
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1 A law enforcement agency may fingerprint and photograph a
2 child taken into custody upon probable cause that such child
3 has committed any other violation of law, as the agency deems
4 appropriate. Such fingerprint records and photographs shall be
5 retained by the law enforcement agency in a separate file, and
6 these records and all copies thereof must be marked "Juvenile
7 Confidential." These records are not available for public
8 disclosure and inspection under s. 119.07(1) except as
9 provided in ss. 943.053 and 985.04(5), but shall be available
10 to other law enforcement agencies, criminal justice agencies,
11 state attorneys, the courts, the child, the parents or legal
12 custodians of the child, their attorneys, and any other person
13 authorized by the court to have access to such records. In
14 addition, such records may be submitted to the Department of
15 Law Enforcement for inclusion in the state criminal history
16 records and used by criminal justice agencies for criminal
17 justice purposes. These records may, in the discretion of the
18 court, be open to inspection by anyone upon a showing of
19 cause. The fingerprint and photograph records shall be
20 produced in the court whenever directed by the court. Any
21 photograph taken pursuant to this section may be shown by a
22 law enforcement officer to any victim or witness of a crime
23 for the purpose of identifying the person who committed such
24 crime.

25 985.31 Serious or habitual juvenile offender.--
26 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--
27 (k) Assessment and treatment records are confidential
28 as described in this paragraph and exempt from the provisions
29 of s. 119.07(1) and s. 24(a), Art. I of the State
30 Constitution.

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1 1. The department shall have full access to the
2 assessment and treatment records to ensure coordination of
3 services to the child.

4 2. The principles of confidentiality of records as
5 provided in s. 985.04 shall apply to the assessment and
6 treatment records of serious or habitual juvenile offenders.

7 Section 3. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

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Revises provisions relating to confidentiality of
juvenile records. Expands disclosure provisions to
include all arrest reports relating to juveniles.

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