

By the Committee on Juvenile Justice and Representative
Barreiro

1 A bill to be entitled
2 An act relating to juvenile delinquency
3 programs and records; amending s. 938.19, F.S.;
4 providing for the creation of county juvenile
5 drug courts; providing for assessments for
6 court costs by circuit and county courts to be
7 used for the operation, administration, and
8 programming of teen and juvenile drug courts
9 and providing for distribution of such
10 assessments; amending s. 943.0582, F.S.;
11 requiring a report to the Legislature relating
12 to expunction of certain records; amending s.
13 984.06, F.S.; authorizing the guardian ad litem
14 of a child in need of services to inspect and
15 copy official records pertaining to the child;
16 amending s. 985.04, F.S.; expanding the
17 circumstances under which certain juvenile
18 records are not considered confidential and
19 exempt solely because of age; authorizing law
20 enforcement agencies to provide said
21 information; amending s. 985.407, F.S.;
22 requiring the Department of Juvenile Justice to
23 adopt a rule regarding changes in policies that
24 impact contracted delinquency services and
25 programs and establishing procedure therefor;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 938.19, Florida Statutes, is
31 amended to read:

1 938.19 Teen courts; juvenile drug courts; operation,
2 ~~and~~ administration, and programming.--A teen court or a
3 juvenile drug court, or both, may be created at the discretion
4 of the county. Teen courts and juvenile drug courts created
5 pursuant to this section are court diversion programs for the
6 purpose of ss. 943.0582 and 985.21.Notwithstanding s.
7 318.121, in each county in which a teen court or a juvenile
8 drug court has been created, a county may adopt a mandatory
9 cost to be assessed in specific cases as provided for in
10 subsection (1) by incorporating by reference the provisions of
11 this section in a county ordinance. Assessments collected by
12 the clerk of the circuit court pursuant to this section shall
13 be deposited into an account specifically for the operation,
14 ~~and~~ administration, and programming of the teen court or
15 juvenile drug court:

16 (1) A sum of \$3, which shall be assessed as a court
17 cost by both the circuit court and the county court in the
18 county against every person who pleads guilty or nolo
19 contendere to, or is convicted of, regardless of adjudication,
20 a violation of a state criminal statute or a municipal
21 ordinance or county ordinance or who pays a fine or civil
22 penalty for any violation of chapter 316. Any person whose
23 adjudication is withheld pursuant to the provisions of s.
24 318.14(9) or (10) shall also be assessed such cost. The \$3
25 assessment for court costs shall be assessed in addition to
26 any fine, civil penalty, or other court cost and shall not be
27 deducted from the proceeds of that portion of any fine or
28 civil penalty which is received by a municipality in the
29 county or by the county in accordance with ss. 316.660 and
30 318.21. The \$3 assessment shall specifically be added to any
31 civil penalty paid for a violation of chapter 316, whether

1 such penalty is paid by mail, paid in person without request
2 for a hearing, or paid after hearing and determination by the
3 court. However, the \$3 assessment shall not be made against a
4 person for a violation of any state statutes, county
5 ordinance, or municipal ordinance relating to the parking of
6 vehicles, with the exception of a violation of the handicapped
7 parking laws. The clerk of the circuit court shall collect the
8 respective \$3 assessments for court costs established in this
9 subsection and shall remit the same to the teen court or
10 juvenile drug court monthly, less 5 percent, which is to be
11 retained as fee income of the office of the clerk of the
12 circuit court. If the county operates both a teen court and a
13 juvenile drug court, the chief judge of the circuit shall
14 specify to the clerk of the circuit court the amount to be
15 remitted to each program.

16 (2) Such other moneys as become available for
17 establishing and operating teen courts or juvenile drug courts
18 under the provisions of Florida law.

19 Section 2. Subsection (4) of section 943.0582, Florida
20 Statutes, is amended to read:

21 943.0582 Prearrest, postarrest, or teen court
22 diversion program expunction.--

23 (4) The department is authorized to charge a \$75
24 processing fee for each request received for prearrest or
25 postarrest diversion program expunction, for placement in the
26 Department of Law Enforcement Operating Trust Fund, unless
27 such fee is waived by the executive director. No later than
28 January 1, 2003, the department shall provide a report to the
29 chairs of the appropriate fiscal committees of the Legislature
30 concerning the feasibility and fiscal impact of expunging
31 nonjudicial arrest records described in this section by

1 submission of certain information by the diversion program
2 upon successful completion by the participant rather than upon
3 the request of the participant in connection with remittal of
4 the processing fee. The report shall include a detailed
5 description of the actual costs to the department of the
6 current expunction process provided in this section and the
7 anticipated cost of expunging records upon certification of
8 completion by the diversion program.

9 Section 3. Subsection (3) of section 984.06, Florida
10 Statutes, is amended to read:

11 984.06 Oaths, records, and confidential information.--

12 (3) The clerk shall keep all court records required by
13 this chapter separate from other records of the circuit court.
14 All court records required by this chapter shall ~~are~~ not be
15 open to inspection by the public. All ~~such~~ records shall ~~may~~
16 be inspected only upon order of the court by persons ~~a person~~
17 deemed by the court to have a proper interest therein, except
18 that, subject to the provisions of s. 63.162, a child and the
19 parents or legal custodians of the child and their attorneys,
20 the guardian ad litem, law enforcement agencies, and the
21 department and its designees shall have the right at all times
22 to ~~may~~ inspect and copy any official record pertaining to the
23 child. The court may permit authorized representatives of
24 recognized organizations compiling statistics for proper
25 purposes to inspect and make abstracts from official records,
26 under whatever conditions upon their use and disposition the
27 court may deem ~~deems~~ proper, and may punish by contempt
28 proceedings any violation of those conditions.

29 Section 4. Subsection (5) of section 985.04, Florida
30 Statutes, is amended to read:

31 985.04 Oaths; records; confidential information.--

1 (5) Notwithstanding any other provisions of this part,
2 the name, photograph, address, and crime or arrest report of a
3 child:

4 (a) Taken into custody if the child has been taken
5 into custody by a law enforcement officer, or has an arrest
6 warrant issued, for a violation of law which, if committed by
7 an adult, would be a felony;

8 (b) Found by a court to have committed three or more
9 violations of law which, if committed by an adult, would be
10 misdemeanors;

11 (c) Transferred to the adult system pursuant to s.
12 985.227, indicted pursuant to s. 985.225, or waived pursuant
13 to s. 95.226;

14 (d) Taken into custody by a law enforcement officer, or
15 has an arrest warrant issued, for a violation of law
16 subject to the provisions of s. 985.227(2)(b) or (d); ~~or~~

17 (e) Transferred to the adult system but sentenced to
18 the juvenile system pursuant to s. 985.233; or

19 (f) Identified in a law enforcement incident report or
20 arrest report

21
22 shall not be considered confidential and exempt from the
23 provisions of s. 119.07(1) solely because of the child's age.
24 Information that is not considered confidential and exempt
25 under this subsection may be provided by a law enforcement
26 agency.

27 Section 5. Subsections (2), (3), and (4) of section
28 985.407, Florida Statutes, are renumbered as subsections (3),
29 (4), and (5), respectively, and a new subsection (2) is added
30 to said section to read:

31

1 985.407 Departmental contracting powers; personnel
2 standards and screening.--

3 (2) The department shall adopt a rule pursuant to ss.
4 120.536(1) and 120.54 to establish a procedure to provide
5 notice of policy changes that impact contracted delinquency
6 services and programs. A policy is defined as an operational
7 requirement that applies to only the specified contracted
8 delinquency service or program. The procedure shall provide
9 for:

10 (a) Public notice of policy development.

11 (b) The opportunity for public comment on the proposed
12 policy.

13 (c) An assessment of the fiscal impact upon the
14 department and providers.

15 (d) The response of the department to comments
16 received.

17 Section 6. This act shall take effect October 1, 2002.

18
19 *****

20 HOUSE SUMMARY

21 Provides for the creation of county juvenile drug courts.
22 Provides for assessments for court costs by circuit and
23 county courts to be used for the operation,
24 administration, and programming of teen and juvenile drug
25 courts and provides for distribution of such assessments.
26 Requires a report to the Legislature relating to
27 expunction of certain records. Authorizes the guardian ad
28 litem of a child in need of services to inspect and copy
29 official records pertaining to the child. Expands the
30 circumstances under which certain juvenile records are
31 not considered confidential and exempt solely because of
 age. Authorizes law enforcement agencies to provide said
 information. Requires the Department of Juvenile Justice
 to adopt a rule regarding changes in policies that impact
 contracted delinquency services and programs and
 establishes a procedure therefor.