

1                   A bill to be entitled  
2           An act relating to juvenile records and sentencing;  
3           amending s. 943.052, F.S.; revising provisions relating to  
4           disposition records of juveniles; requiring clerks of  
5           court to submit disposition information for certain  
6           records that were previously submitted to the Department  
7           of Juvenile Justice without such information; amending s.  
8           943.053, F.S.; revising provisions relating to  
9           dissemination of criminal history information; amending s.  
10          985.04, F.S.; reorganizing and revising provisions  
11          relating to confidentiality of juvenile justice records;  
12          providing that specified information is not exempt from  
13          public records provisions; revising provisions relating to  
14          release of certain information to the superintendent of a  
15          child's school; revising provisions relating to certain  
16          records in the custody of the department; revising  
17          provisions relating to records sealed under specified  
18          provisions; revising provisions relating to interagency  
19          agreements; revising provisions relating to records  
20          retention; providing penalties for violations; amending s.  
21          985.11, F.S.; revising provisions relating to the  
22          fingerprinting of certain juveniles; amending s. 985.565,  
23          F.S.; providing for blended adult and juvenile sanctions  
24          for certain offenses; providing for juvenile probation  
25          until a juvenile is 21 years of age; revising provisions  
26          relating to discharge of a juvenile from probation;  
27          revising juvenile commitment provisions; providing for  
28          education attainment as a condition of probation or

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29 |           commitment; amending ss. 985.045, 1006.08, and 1012.797,  
 30 |           F.S.; conforming cross-references; providing an effective  
 31 |           date.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

34 |

35 |           Section 1. Subsections (2) and (3) of section 943.052,  
 36 | Florida Statutes, are amended to read:

37 |           943.052 Disposition reporting.--The Criminal Justice  
 38 | Information Program shall, by rule, establish procedures and a  
 39 | format for each criminal justice agency to monitor its records  
 40 | and submit reports, as provided by this section, to the program.  
 41 | The disposition report shall be developed by the program and  
 42 | shall include the offender-based transaction system number.

43 |           (2) Each clerk of the court shall submit the uniform  
 44 | dispositions to the program or in a manner acceptable to the  
 45 | program. The report shall be submitted at least once a month  
 46 | and, when acceptable by the program, may be submitted in an  
 47 | automated format. The disposition report is mandatory for all  
 48 | criminal and delinquency dispositions ~~relating to adult~~  
 49 | ~~offenders only~~. Beginning July 1, 2008, each clerk of the court  
 50 | shall submit disposition information on all juvenile arrest  
 51 | records submitted to the department without disposition  
 52 | information between July 1, 1996, and July 1, 2007 ~~a disposition~~  
 53 | ~~report for each disposition relating to a minor offender is~~  
 54 | ~~mandatory~~.

55 |           (3) ~~(a)~~ The Department of Corrections shall submit  
 56 | information to the program relating to the receipt or discharge

57 of any person who is sentenced to a state correctional  
 58 institution.

59 ~~(b) The Department of Juvenile Justice shall submit~~  
 60 ~~information to the program relating to the receipt or discharge~~  
 61 ~~of any minor who is found to have committed an offense that~~  
 62 ~~would be a felony if committed by an adult, or is found to have~~  
 63 ~~committed a misdemeanor specified in s. 943.051(3), and is~~  
 64 ~~committed to the custody of the Department of Juvenile Justice.~~

65 Section 2. Subsections (1), (3), and (4) of section  
 66 943.053, Florida Statutes, are amended to read:

67 943.053 Dissemination of criminal justice information;  
 68 fees.--

69 (1) ~~The department of Law Enforcement~~ shall disseminate  
 70 criminal justice information only in accordance with federal and  
 71 state laws, regulations, and rules.

72 (3)(a) ~~Criminal history information, including information~~  
 73 ~~relating to minors,~~ compiled by the Criminal Justice Information  
 74 Program from intrastate sources for:

75 1. Minors and adults shall be available on a priority  
 76 basis to criminal justice agencies for criminal justice purposes  
 77 free of charge.

78 2. Adults may be provided to any person who supplies the  
 79 program with all known identifying information and tenders fees  
 80 as established in this subsection and in the manner prescribed  
 81 by rule of the department.

82 3. Minors who are adjudicated as adults, or who have been  
 83 found to have committed an offense that would be a felony if  
 84 committed by an adult, may be provided to any person who

85 supplies ~~After providing~~ the program with all known identifying  
 86 information, ~~persons in the private sector and~~ tenders  
 87 ~~noncriminal justice agencies may be provided criminal history~~  
 88 ~~information upon tender of~~ fees as established in this  
 89 subsection and in the manner prescribed by rule of the  
 90 department ~~of Law Enforcement~~.

91 (b) Such Fees under this subsection are to offset the cost  
 92 of producing the record information, including the total cost of  
 93 creating, storing, maintaining, updating, retrieving, improving,  
 94 and providing criminal history information in a centralized,  
 95 automated database, including personnel, technology, and  
 96 infrastructure expenses. Any access to criminal history  
 97 information by the private sector or noncriminal justice  
 98 agencies under ~~as provided in~~ this subsection shall be assessed  
 99 without regard to the quantity or category of criminal history  
 100 record information requested. Fees may be waived or reduced by  
 101 the executive director of the department ~~of Law Enforcement~~ for  
 102 good cause shown.

103 (c) ~~(b)~~ The fee per record for criminal history information  
 104 provided under ~~pursuant to~~ this subsection is \$23 per name  
 105 submitted, except that the fee for vendors of the Department of  
 106 Children and Family Services, the Department of Juvenile  
 107 Justice, and the Department of Elderly Affairs shall be \$8 for  
 108 each name submitted; the fee for a state criminal history  
 109 provided for application processing as required by law to be  
 110 performed by the Department of Agriculture and Consumer Services  
 111 shall be \$15 for each name submitted; and the fee for requests  
 112 under the National Child Protection Act shall be \$18 for each

113 volunteer name submitted. The state offices of the Public  
 114 Defender shall not be assessed a fee for Florida criminal  
 115 history information or wanted person information.

116 (4) Criminal justice information provided by the  
 117 department ~~of Law Enforcement~~ shall be used only for the purpose  
 118 stated in the request.

119 Section 3. Section 985.04, Florida Statutes, is amended to  
 120 read:

121 985.04 Oaths; confidentiality of records; ~~confidential~~  
 122 information.--

123 (1) OATHS.--Authorized agents of the department may  
 124 administer oaths and affirmations.

125 (2) CONFIDENTIALITY.--Except as provided in subsection  
 126 subsections (2), (3), (6), and (7) and ss. ~~s.~~ 943.053 and  
 127 985.11, all information relating to juveniles that is obtained  
 128 under this chapter in the discharge of official duty by any  
 129 judge, any employee of the court, any authorized agent of the  
 130 department, the Parole Commission, the Department of  
 131 Corrections, the juvenile justice circuit boards, any law  
 132 enforcement agent, or any licensed professional or licensed  
 133 community agency representative participating in the assessment  
 134 or treatment of a juvenile is confidential. The names,  
 135 photographs, addresses, and crime or arrest reports of minors  
 136 who are adjudicated as adults or who have been found to have  
 137 committed an offense that would be a felony if committed by an  
 138 adult are not exempt from the provisions of s. 119.07(1) and s.  
 139 24(a), Art. I of the State Constitution.

140           (3) AUTHORIZED DISCLOSURE.--Information relating to  
 141 juveniles that is authorized for disclosure under this  
 142 subsection and ss. 943.053 and 985.11 shall not be used for any  
 143 purpose other than those authorized by law.

144           (a) Information under subsection (2) and may only be  
 145 disclosed:

146           1. only To, and may only be used for the discharge of an  
 147 official duty by, the authorized personnel of the court, the  
 148 department and its designees, the Department of Corrections, the  
 149 Parole Commission, law enforcement agents, school  
 150 superintendents and their designees, any licensed professional  
 151 or licensed community agency representative participating in the  
 152 assessment or treatment of a juvenile, and others entitled under  
 153 this chapter to receive that information., or

154           2. Upon order of the court. Within each county, the  
 155 sheriff, the chiefs of police, the district school  
 156 superintendent, and the department shall enter into an  
 157 interagency agreement for the purpose of sharing information  
 158 about juvenile offenders among all parties. The agreement must  
 159 specify the conditions under which summary criminal history  
 160 information is to be made available to appropriate school  
 161 personnel, and the conditions under which school records are to  
 162 be made available to appropriate department personnel. Such  
 163 agreement shall require notification to any classroom teacher of  
 164 assignment to the teacher's classroom of a juvenile who has been  
 165 placed in a probation or commitment program for a felony  
 166 offense. The agencies entering into such agreement must comply  
 167 with s. 943.0525, and must maintain the confidentiality of

168 ~~information that is otherwise exempt from s. 119.07(1), as~~  
 169 ~~provided by law.~~

170 (b) A law enforcement agency may release a copy of the  
 171 juvenile offense report to the victim of the offense. However,  
 172 information released to the victim under this chapter, including  
 173 the identity of the next of kin of a homicide victim, regarding  
 174 any case handled in juvenile court shall not be revealed to any  
 175 outside party, except as is reasonably necessary in pursuit of  
 176 legal remedies.

177 (c) The superintendent of a child's school shall be  
 178 notified by:

179 1. A law enforcement agency when the child is taken into  
 180 custody by a law enforcement officer for an offense that would  
 181 have been a felony if committed by an adult or for a crime of  
 182 violence.

183 2. The state attorney when the child is formally charged  
 184 with a felony or a delinquent act that would be a felony if  
 185 committed by an adult.

186 3. The department when the child is in the care and  
 187 custody or under the jurisdiction or supervision of the  
 188 department and has a known history of criminal sexual behavior  
 189 with other juveniles; is an alleged juvenile sexual offender, as  
 190 defined in s. 39.01; has pled guilty or nolo contendere to, or  
 191 has been found to have committed, a violation of chapter 794,  
 192 chapter 796, chapter 800, s. 827.071, or s. 847.0133, regardless  
 193 of adjudication; or has been placed in a probation or commitment  
 194 program for any felony offense.

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196 The information obtained by the superintendent of schools under  
197 this paragraph shall be released to the principal of the school  
198 within 48 hours after receipt. The principal must immediately  
199 notify the child's immediate classroom teachers. Upon  
200 notification, the principal is authorized to begin disciplinary  
201 actions under s. 1006.09(1) - (4).

202 (d) Records in the custody of the department regarding  
203 children may be inspected only upon order of the secretary of  
204 the department or his or her authorized agent by persons who  
205 have sufficient reason and upon such conditions for their use  
206 and disposition as the secretary or his or her authorized agent  
207 deems proper. The information in such records may be disclosed  
208 only to other employees of the department who have a need  
209 therefor in order to perform their official duties; to other  
210 persons as authorized by rule of the department; and, upon  
211 request, to the Department of Corrections. The secretary or his  
212 or her authorized agent may permit properly qualified persons to  
213 inspect and make abstracts from records for statistical purposes  
214 under whatever conditions upon their use and disposition the  
215 secretary or his or her authorized agent deems proper, provided  
216 adequate assurances are given that children's names and other  
217 identifying information will not be disclosed by the applicant.

218 (e) Records sealed under paragraph (5)(a) may only be  
219 disclosed for use in meeting the screening requirements for  
220 personnel in ss. 402.3055, 435.03, and 435.04; however, current  
221 criminal history information must be obtained from the  
222 Department of Law Enforcement in accordance with s. 943.053. The  
223 information shall be released to a person specified in ss.



224 402.3055, 435.03, or 435.04 for the purposes of complying with  
 225 each those respective sections.

226 (4) INTERAGENCY AGREEMENTS.--Within each county, the  
 227 sheriff, the chiefs of police, the district school  
 228 superintendent, and the department shall enter into an  
 229 interagency agreement for the purpose of sharing information, as  
 230 authorized under subsection (2), about juvenile offenders among  
 231 all parties. The agreement must specify the conditions under  
 232 which summary criminal history information is to be made  
 233 available to appropriate school personnel, and the conditions  
 234 under which school records are to be made available to  
 235 appropriate department personnel. The agencies entering into  
 236 such agreement must comply with s. 943.0525, and all applicable  
 237 state and federal laws and regulations, and must maintain the  
 238 confidentiality of information that is otherwise exempt from s.  
 239 119.07(1), as provided by law.

240 ~~(2) Notwithstanding any other provisions of this chapter,~~  
 241 ~~the name, photograph, address, and crime or arrest report of a~~  
 242 ~~child;~~

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

246 ~~(b) Found by a court to have committed three or more~~  
 247 ~~violations of law which, if committed by an adult, would be~~  
 248 ~~misdemeanors;~~

249 ~~(c) Transferred to the adult system under s. 985.557,~~  
 250 ~~indicted under s. 985.56, or waived under s. 985.556;~~

251 ~~(d) Taken into custody by a law enforcement officer for a~~  
 252 ~~violation of law subject to s. 985.557(2) (b) or (d); or~~

253 ~~(e) Transferred to the adult system but sentenced to the~~  
 254 ~~juvenile system under s. 985.565~~

255  
 256 ~~shall not be considered confidential and exempt from s.~~  
 257 ~~119.07(1) solely because of the child's age.~~

258 ~~(3) A law enforcement agency may release a copy of the~~  
 259 ~~juvenile offense report to the victim of the offense. However,~~  
 260 ~~information gained by the victim under this chapter, including~~  
 261 ~~the next of kin of a homicide victim, regarding any case handled~~  
 262 ~~in juvenile court, must not be revealed to any outside party,~~  
 263 ~~except as is reasonably necessary in pursuit of legal remedies.~~

264 ~~(4) (a) Notwithstanding any other provision of this~~  
 265 ~~section, when a child of any age is taken into custody by a law~~  
 266 ~~enforcement officer for an offense that would have been a felony~~  
 267 ~~if committed by an adult, or a crime of violence, the law~~  
 268 ~~enforcement agency must notify the superintendent of schools~~  
 269 ~~that the child is alleged to have committed the delinquent act.~~

270 ~~(b) Notwithstanding paragraph (a) or any other provision~~  
 271 ~~of this section, when a child of any age is formally charged by~~  
 272 ~~a state attorney with a felony or a delinquent act that would be~~  
 273 ~~a felony if committed by an adult, the state attorney shall~~  
 274 ~~notify the superintendent of the child's school that the child~~  
 275 ~~has been charged with such felony or delinquent act. The~~  
 276 ~~information obtained by the superintendent of schools under this~~  
 277 ~~section must be released within 48 hours after receipt to~~  
 278 ~~appropriate school personnel, including the principal of the~~

279 ~~school of the child. The principal must immediately notify the~~  
 280 ~~child's immediate classroom teachers. Upon notification, the~~  
 281 ~~principal is authorized to begin disciplinary actions under s.~~  
 282 ~~1006.09(1) (4).~~

283 ~~(c) The department shall disclose to the school~~  
 284 ~~superintendent the presence of any child in the care and custody~~  
 285 ~~or under the jurisdiction or supervision of the department who~~  
 286 ~~has a known history of criminal sexual behavior with other~~  
 287 ~~juveniles; is an alleged juvenile sexual offender, as defined in~~  
 288 ~~s. 39.01; or has pled guilty or nolo contendere to, or has been~~  
 289 ~~found to have committed, a violation of chapter 794, chapter~~  
 290 ~~796, chapter 800, s. 827.071, or s. 847.0133, regardless of~~  
 291 ~~adjudication. Any employee of a district school board who~~  
 292 ~~knowingly and willfully discloses such information to an~~  
 293 ~~unauthorized person commits a misdemeanor of the second degree,~~  
 294 ~~punishable as provided in s. 775.082 or s. 775.083.~~

295 ~~(5) Authorized agents of the department may administer~~  
 296 ~~oaths and affirmations.~~

297 ~~(5)(6)~~ RECORD RETENTION.--Records maintained by the  
 298 department, including copies of records maintained by the court:

299 (a) May not be destroyed by the department for a period of  
 300 25 years after a child's final referral to the department unless  
 301 the child dies, if they, which pertain to a child found to have  
 302 committed a delinquent act which, if committed by an adult,  
 303 would be a crime specified in ss. 435.03 and 435.04 ~~may not be~~  
 304 ~~destroyed under this section for a period of 25 years after the~~  
 305 ~~youth's final referral to the department, except in cases of the~~  
 306 ~~death of the child. Such records, however, shall be sealed by~~

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307 the court for use only in meeting the screening requirements for  
308 personnel in ss. ~~s.~~ 402.3055, 435.03, and 435.04 and the other  
309 sections cited above, or under departmental rule; however,  
310 current criminal history information must be obtained from the  
311 Department of Law Enforcement in accordance with s. 943.053. The  
312 information shall be released to those persons specified in the  
313 above cited sections for the purposes of complying with those  
314 sections. The court may punish by contempt any person who  
315 releases or uses the records for any unauthorized purpose.

316 (7)(a) ~~Records in the custody of the department regarding~~  
317 ~~children are not open to inspection by the public. Such records~~  
318 ~~may be inspected only upon order of the Secretary of Juvenile~~  
319 ~~Justice or his or her authorized agent by persons who have~~  
320 ~~sufficient reason and upon such conditions for their use and~~  
321 ~~disposition as the secretary or his or her authorized agent~~  
322 ~~deems proper. The information in such records may be disclosed~~  
323 ~~only to other employees of the department who have a need~~  
324 ~~therefor in order to perform their official duties; to other~~  
325 ~~persons as authorized by rule of the department; and, upon~~  
326 ~~request, to the Department of Corrections. The secretary or his~~  
327 ~~or her authorized agent may permit properly qualified persons to~~  
328 ~~inspect and make abstracts from records for statistical purposes~~  
329 ~~under whatever conditions upon their use and disposition the~~  
330 ~~secretary or his or her authorized agent deems proper, provided~~  
331 ~~adequate assurances are given that children's names and other~~  
332 ~~identifying information will not be disclosed by the applicant.~~

333           (b) Other than records subject to paragraph (a), shall be  
 334 retained by the department until the record is expunged under  
 335 chapter 943.

336           (6) PENALTIES.--

337           (a) Any employee of a district school board who knowingly  
 338 and willfully discloses information received under paragraph  
 339 (3)(c) to an unauthorized person commits a misdemeanor of the  
 340 second degree, punishable as provided in s. 775.082 or s.  
 341 775.083.

342           (b) The court may punish by contempt any person who  
 343 releases or uses sealed records under paragraph (5)(a) for any  
 344 purpose not authorized by paragraph (3)(e). ~~The destruction of~~  
 345 ~~records pertaining to children committed to or supervised by the~~  
 346 ~~department pursuant to a court order, which records are retained~~  
 347 ~~until a child reaches the age of 24 years or until a serious or~~  
 348 ~~habitual delinquent child reaches the age of 26 years, shall be~~  
 349 ~~subject to chapter 943.~~

350           ~~(8) Criminal history information made available to~~  
 351 ~~governmental agencies by the Department of Law Enforcement or~~  
 352 ~~other criminal justice agencies shall not be used for any~~  
 353 ~~purpose other than that specified in the provision authorizing~~  
 354 ~~the releases.~~

355           Section 4. Subsections (1) and (3) of section 985.11,  
 356 Florida Statutes, are amended to read:

357           985.11 Fingerprinting and photographing.--

358           (1) (a) ~~A child who is charged with or found to have~~  
 359 ~~committed an offense that would be a felony if committed by an~~  
 360 ~~adult shall be fingerprinted and the fingerprints must be~~

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361 ~~submitted to the Department of Law Enforcement as provided in s.~~  
362 ~~943.051(3) (a).~~

363 ~~(b) A child who is charged with or found to have committed~~  
364 ~~one of the following offenses shall be fingerprinted, and the~~  
365 ~~fingerprints shall be submitted to the Department of Law~~  
366 ~~Enforcement as provided in s. 943.051(3) (b).~~

367 ~~1. Assault, as defined in s. 784.011.~~

368 ~~2. Battery, as defined in s. 784.03.~~

369 ~~3. Carrying a concealed weapon, as defined in s.~~  
370 ~~790.01(1).~~

371 ~~4. Unlawful use of destructive devices or bombs, as~~  
372 ~~defined in s. 790.1615(1).~~

373 ~~5. Negligent treatment of children, as defined in former~~  
374 ~~s. 827.05.~~

375 ~~6. Assault on a law enforcement officer, a firefighter, or~~  
376 ~~other specified officers, as defined in s. 784.07(2) (a).~~

377 ~~7. Open carrying of a weapon, as defined in s. 790.053.~~

378 ~~8. Exposure of sexual organs, as defined in s. 800.03.~~

379 ~~9. Unlawful possession of a firearm, as defined in s.~~  
380 ~~790.22(5).~~

381 ~~10. Petit theft, as defined in s. 812.014.~~

382 ~~11. Cruelty to animals, as defined in s. 828.12(1).~~

383 ~~12. Arson, resulting in bodily harm to a firefighter, as~~  
384 ~~defined in s. 806.031(1).~~

385 ~~13. Unlawful possession or discharge of a weapon or~~  
386 ~~firearm at a school sponsored event or on school property as~~  
387 ~~defined in s. 790.115.~~

388

389 A law enforcement agency:

390 1. Shall fingerprint a child and submit the fingerprints  
 391 to the Department of Law Enforcement when required under s.  
 392 943.051(3).

393 2. May fingerprint and photograph a child taken into  
 394 custody upon probable cause that such child has committed any  
 395 other violation of law other than those specified in s.  
 396 943.051(3), as the agency deems appropriate. Such fingerprint  
 397 records may be submitted to the Department of Law Enforcement  
 398 for inclusion in the state criminal history records and may only  
 399 be used by criminal justice agencies for criminal justice  
 400 purposes.

401 (b) Such fingerprint records and photographs of children  
 402 shall be retained by the law enforcement agency in a separate  
 403 file, and these records and all copies thereof must be marked  
 404 "Juvenile Confidential." These records are not available for  
 405 public disclosure and inspection under s. 119.07(1) except as  
 406 provided in ss. 943.053 and 985.04(2) and (3), but shall be  
 407 available to other law enforcement agencies, criminal justice  
 408 agencies, state attorneys, the courts, the child, the parents or  
 409 legal custodians of the child, their attorneys, and any other  
 410 person authorized by the court to have access to such records.  
 411 ~~In addition, such records may be submitted to the Department of~~  
 412 ~~Law Enforcement for inclusion in the state criminal history~~  
 413 ~~records and used by criminal justice agencies for criminal~~  
 414 ~~justice purposes.~~ These records may, in the discretion of the  
 415 court, be open to inspection by anyone upon a showing of cause.  
 416 The fingerprint and photograph records shall be produced in the

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417 court whenever directed by the court. Any photograph taken  
418 pursuant to this section may be shown by a law enforcement  
419 officer to any victim or witness of a crime for the purpose of  
420 identifying the person who committed such crime.

421 (c) The court shall be responsible for the fingerprinting  
422 of any child at the disposition hearing if the child has been  
423 adjudicated or had adjudication withheld for any felony in the  
424 case currently before the court.

425 (3) This section does not prohibit the fingerprinting or  
426 photographing of child traffic violators. All records of such  
427 traffic violations shall be kept in the full name of the  
428 violator and shall be open to inspection and publication in the  
429 same manner as adult traffic violations. This section does not  
430 apply to the photographing of children by the department ~~of~~  
431 ~~Juvenile Justice~~ or the Department of Children and Family  
432 Services.

433 Section 5. Paragraph (b) of subsection (1), paragraph (a)  
434 of subsection (2), and paragraph (b) of subsection (4) of  
435 section 985.565, Florida Statutes, are amended to read:

436 985.565 Sentencing powers; procedures; alternatives and  
437 blended sanctions for juveniles prosecuted as adults;  
438 educational attainment.--

439 (1) POWERS OF DISPOSITION.--

440 (b) In determining whether to impose juvenile sanctions  
441 ~~instead of adult sanctions~~ or blended sanctions, the court shall  
442 consider the following criteria:



- 443           1. The seriousness of the offense to the community and  
 444 whether the community would best be protected by juvenile or  
 445 adult sanctions.
- 446           2. Whether the offense was committed in an aggressive,  
 447 violent, premeditated, or willful manner.
- 448           3. Whether the offense was against persons or against  
 449 property, with greater weight being given to offenses against  
 450 persons, especially if personal injury resulted.
- 451           4. The sophistication and maturity of the offender.
- 452           5. The record and previous history of the offender,  
 453 including:
- 454           a. Previous contacts with the Department of Corrections,  
 455 the Department of Juvenile Justice, the former Department of  
 456 Health and Rehabilitative Services, the Department of Children  
 457 and Family Services, law enforcement agencies, and the courts.
- 458           b. Prior periods of probation.
- 459           c. Prior adjudications that the offender committed a  
 460 delinquent act or violation of law as a child.
- 461           d. Prior commitments to the Department of Juvenile  
 462 Justice, the former Department of Health and Rehabilitative  
 463 Services, the Department of Children and Family Services, or  
 464 other facilities or institutions.
- 465           6. The prospects for adequate protection of the public and  
 466 the likelihood of deterrence and reasonable rehabilitation of  
 467 the offender if assigned to services and facilities of the  
 468 Department of Juvenile Justice.

469           7. Whether the Department of Juvenile Justice has  
 470 appropriate programs, facilities, and services immediately  
 471 available.

472           8. Whether adult sanctions would provide more appropriate  
 473 punishment and deterrence to further violations of law than the  
 474 imposition of juvenile sanctions.

475           (2) PRESENTENCE INVESTIGATION REPORT.--

476           (a) Upon a plea of guilty or nolo contendere, the court  
 477 may refer the case to the department for investigation and  
 478 recommendation as to the suitability of its programs for the  
 479 child.

480           (4) SENTENCING ALTERNATIVES.--

481           (b) Juvenile sanctions.--For juveniles transferred to  
 482 adult court but who do not qualify for such transfer under s.  
 483 985.556(3) or s. 985.557(2)(a) or (b), the court may impose  
 484 juvenile sanctions under this paragraph. If juvenile sanctions  
 485 ~~sentences~~ are imposed, the court shall, under this paragraph,  
 486 adjudge the child to have committed a delinquent act.  
 487 Adjudication of delinquency shall not be deemed a conviction,  
 488 nor shall it operate to impose any of the civil disabilities  
 489 ordinarily resulting from a conviction. The court shall impose  
 490 ~~an adult sanction or a juvenile sanction~~ or ~~and may not~~ sentence  
 491 the child to blended juvenile and adult sanctions ~~a combination~~  
 492 ~~of adult and juvenile punishments. An adult sanction or A~~  
 493 juvenile sanction or a blended juvenile and adult sanction may  
 494 include enforcement of an order of restitution or probation  
 495 previously ordered in any juvenile proceeding. However, if the  
 496 court imposes a juvenile sanction and the department determines

497 that the sanction is inappropriate ~~unsuitable~~ for the child, the  
 498 department shall provide the sentencing court with a written  
 499 report outlining the basis for its objections to the juvenile  
 500 sanction and shall simultaneously provide a copy to the state  
 501 attorney and defense counsel. The department shall return  
 502 custody of the child to the sentencing court for further  
 503 proceedings, including the imposition of juvenile sanctions,  
 504 blended juvenile and adult sanctions, alternative sanctions, or  
 505 adult sanctions. Upon adjudicating a child delinquent under  
 506 subsection (1), the court may sentence the child to juvenile  
 507 probation, juvenile commitment, blended juvenile and adult  
 508 sanctions, or to alternative sanctions under ss. 985.435,  
 509 985.437, 985.439, 985.441, 985.445, 985.45, and 985.455.+

510 1. Juvenile probation.--The court may place the child on  
 511 probation in a probation program under the supervision of the  
 512 department for an indeterminate period of time until the child  
 513 reaches the age of 21 ~~19~~ years or sooner if discharged by order  
 514 of the court. If, prior to the child's 21st birthday, the  
 515 department seeks to discharge the child from juvenile probation,  
 516 the department shall notify the sentencing court of its intent  
 517 to discharge the child no later than 30 days prior to the  
 518 proposed discharge date. The department shall file a written  
 519 notice of its proposal with the clerk of the court and give a  
 520 copy of the written notice to the sentencing judge, the state  
 521 attorney, and defense counsel at the time it files the notice  
 522 with the clerk of the court. Failure of the sentencing court or  
 523 the state attorney to object to the department's notice of  
 524 discharge within the 30-day time period shall be construed as

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525 approval for the proposed discharge. If there is no objection,  
526 the clerk of the court shall close the case.

527       2. Juvenile commitment.--The court may commit the child to  
528 the department for treatment in an appropriate program for  
529 children for an indeterminate period of time until the child is  
530 21 or sooner if discharged by order of the court department. If,  
531 prior to the child's 21st birthday, the department seeks to  
532 discharge the child from a commitment or aftercare program, the  
533 department shall notify the sentencing court of its intent to  
534 discharge the child no later than 30 14 days prior to the  
535 proposed discharge date. The department shall file a written  
536 notice of its proposal with the clerk of the court and give a  
537 copy of the written notice to the sentencing judge, state  
538 attorney, and defense counsel at the time it files the notice  
539 with the clerk of the court. Failure of the sentencing court or  
540 the state attorney to object timely respond to the department's  
541 notice of discharge within the 30-day time period shall be  
542 construed as considered approval for the proposed discharge. If  
543 there is no objection, the clerk of the court shall close the  
544 case.

545       3. Blended juvenile and adult sanctions.--The court may  
546 commit the child to the department for treatment in an  
547 appropriate program for children for an indeterminate period of  
548 time until the child is 21 years of age or sooner if discharged  
549 by order of the court, followed by probation under the  
550 supervision of the Department of Corrections. If, prior to the  
551 child's 21st birthday the department seeks to discharge the  
552 child from treatment, it shall notify the sentencing court of

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553 its intent to discharge the child no later than 30 days prior to  
554 the proposed discharge date. The department shall file a written  
555 notice of its proposal with the clerk of the court and give a  
556 copy of the written notice to the sentencing judge, Department  
557 of Corrections, state attorney, and defense counsel at the time  
558 it files the notice with the clerk of the court. Failure of the  
559 sentencing court or the state attorney to object to the  
560 department's notice of discharge within the 30-day time period  
561 shall be construed as approval for the proposed discharge. An  
562 order to discharge shall not be entered until the Department of  
563 Corrections has certified that it has met with the child and  
564 explained the terms of probation.

565 4.3- Alternative sanctions.--The court may order  
566 disposition under ss. 985.435, 985.437, 985.439, 985.441,  
567 985.445, 985.45, and 985.455 as an alternative to youthful  
568 offender or adult sentencing if the court determines not to  
569 impose youthful offender or adult sanctions.

570 5. Educational attainment.--Upon sentencing a child under  
571 subsection (1) to juvenile probation, juvenile commitment,  
572 blended juvenile and adult sanctions, or alternative sanctions,  
573 the court shall consider the educational needs assessment  
574 conducted pursuant to 985.18(1) and (2), the predisposition  
575 report, together with any other report prepared pursuant to s.  
576 985.43(1) and (2), and any other relevant information. Based on  
577 this information, the court shall make a finding as to the  
578 child's educational status, including, but not limited to, the  
579 child's strengths, abilities, and unmet and special educational  
580 needs. The court may enter an order that, as a condition of

581 probation or commitment, the child attain an appropriate  
 582 educational goal or goals. Examples of appropriate educationally  
 583 based goals are:

- 584 a. Attainment of a high school diploma or its equivalent.
- 585 b. Successful completion of literacy courses.
- 586 c. Successful completion of vocational courses.
- 587 d. Attendance and successful completion of the child's  
 588 current grade, if enrolled in school.
- 589 e. Enrollment in an apprenticeship or a similar program.

591 It is the intent of the Legislature that the criteria and  
 592 guidelines in this subsection are mandatory and that a  
 593 determination of disposition under this subsection is subject to  
 594 the right of the child to appellate review under s. 985.534.

595 Section 6. Subsection (2) of section 985.045, Florida  
 596 Statutes, is amended to read:

597 985.045 Court records.--

598 (2) The clerk shall keep all official records required by  
 599 this section separate from other records of the circuit court,  
 600 except those records pertaining to motor vehicle violations,  
 601 which shall be forwarded to the Department of Highway Safety and  
 602 Motor Vehicles. Except as provided in ss. 943.053 and  
 603 985.04(3)(d)~~(7)~~, official records required by this chapter are  
 604 not open to inspection by the public, but may be inspected only  
 605 upon order of the court by persons deemed by the court to have a  
 606 proper interest therein, except that a child and the parents,  
 607 guardians, or legal custodians of the child and their attorneys,  
 608 law enforcement agencies, the Department of Juvenile Justice and

609 its designees, the Parole Commission, the Department of  
 610 Corrections, and the Justice Administrative Commission shall  
 611 always have the right to inspect and copy any official record  
 612 pertaining to the child. The court may permit authorized  
 613 representatives of recognized organizations compiling statistics  
 614 for proper purposes to inspect, and make abstracts from,  
 615 official records under whatever conditions upon the use and  
 616 disposition of such records the court may deem proper and may  
 617 punish by contempt proceedings any violation of those  
 618 conditions.

619 Section 7. Subsection (2) of section 1006.08, Florida  
 620 Statutes, is amended to read:

621 1006.08 District school superintendent duties relating to  
 622 student discipline and school safety.--

623 (2) Notwithstanding the provisions of s. 985.04(3)(d)~~(7)~~  
 624 or any other provision of law to the contrary, the court shall,  
 625 within 48 hours of the finding, notify the appropriate district  
 626 school superintendent of the name and address of any student  
 627 found to have committed a delinquent act, or who has had  
 628 adjudication of a delinquent act withheld which, if committed by  
 629 an adult, would be a felony, or the name and address of any  
 630 student found guilty of a felony. Notification shall include the  
 631 specific delinquent act found to have been committed or for  
 632 which adjudication was withheld, or the specific felony for  
 633 which the student was found guilty.

634 Section 8. Subsection (1) of section 1012.797, Florida  
 635 Statutes, is amended to read:

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636 1012.797 Notification of district school superintendent of  
637 certain charges against or convictions of employees.--

638 (1) Notwithstanding the provisions of s. 985.04(3)(d)~~(7)~~  
639 or any other provision of law to the contrary, a law enforcement  
640 agency shall, within 48 hours, notify the appropriate district  
641 school superintendent of the name and address of any employee of  
642 the school district who is charged with a felony or with a  
643 misdemeanor involving the abuse of a minor child or the sale or  
644 possession of a controlled substance. The notification shall  
645 include the specific charge for which the employee of the school  
646 district was arrested. Such notification shall include other  
647 education providers such as the Florida School for the Deaf and  
648 the Blind, university lab schools, and private elementary and  
649 secondary schools.

650 Section 9. This act shall take effect July 1, 2007.