

1 943.052 Disposition reporting.--The Criminal Justice
2 Information Program shall, by rule, establish procedures and a
3 format for each criminal justice agency to monitor its records
4 and submit reports, as provided by this section, to the
5 program. The disposition report shall be developed by the
6 program and shall include the offender-based transaction
7 system number.

8 (2) Each clerk of the court shall submit the uniform
9 dispositions to the program or in a manner acceptable to the
10 program. The report shall be submitted at least once a month
11 and, when acceptable by the program, may be submitted in an
12 automated format. The disposition report is mandatory for all
13 criminal and delinquency dispositions ~~relating to adult~~
14 ~~offenders only~~. Beginning July 1, 2008, each clerk of the
15 court shall submit disposition information concerning all
16 juvenile arrest records submitted to the department without
17 disposition information between July 1, 1996, and July 1, 2008
18 ~~a disposition report for each disposition relating to a minor~~
19 ~~offender is mandatory~~.

20 (3)(a) The Department of Corrections shall submit
21 information to the program relating to the receipt or
22 discharge of any person who is sentenced to a state
23 correctional institution.

24 ~~(b) The Department of Juvenile Justice shall submit~~
25 ~~information to the program relating to the receipt or~~
26 ~~discharge of any minor who is found to have committed an~~
27 ~~offense that would be a felony if committed by an adult, or is~~
28 ~~found to have committed a misdemeanor specified in s.~~
29 ~~943.051(3), and is committed to the custody of the Department~~
30 ~~of Juvenile Justice.~~

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

3 943.053 Dissemination of criminal justice information;
4 fees.--

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

8 (2) Criminal justice information derived from federal
9 criminal justice information systems or criminal justice
10 information systems of other states ~~may shall~~ not be
11 disseminated in a manner inconsistent with the laws,
12 regulations, or rules of the originating agency.

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

16 1. Minors and adults shall be available on a priority
17 basis to criminal justice agencies for criminal justice
18 purposes free of charge.

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

23 3. Minors who are adjudicated as adults, or who have
24 been found to have committed an offense that would be a felony
25 if committed by an adult, may be provided to any person who
26 supplies ~~After providing~~ the program with all known
27 identifying information, ~~persons in the private sector and~~
28 ~~tenders noncriminal justice agencies may be provided criminal~~
29 ~~history information upon tender of fees as established in this~~
30 subsection and in the manner prescribed by rule of the
31 department ~~of Law Enforcement~~.

1 **(b)** Such fees under this subsection are to offset the
2 cost of producing the record information, including the total
3 cost of creating, storing, maintaining, updating, retrieving,
4 improving, and providing criminal history information in a
5 centralized, automated database, including personnel,
6 technology, and infrastructure expenses. Any access to
7 criminal history information by the private sector or
8 noncriminal justice agencies under ~~as provided in~~ this
9 subsection shall be assessed without regard to the quantity or
10 category of criminal history record information requested.
11 Fees may be waived or reduced by the executive director of the
12 department ~~of Law Enforcement~~ for good cause shown.

13 **(c)**~~(b)~~ The fee per record for criminal history
14 information provided under ~~pursuant to~~ this subsection is \$23
15 per name submitted, except that the fee for vendors of the
16 Department of Children and Family Services, the Department of
17 Juvenile Justice, and the Department of Elderly Affairs shall
18 be \$8 for each name submitted; the fee for a state criminal
19 history provided for application processing as required by law
20 to be performed by the Department of Agriculture and Consumer
21 Services shall be \$15 for each name submitted; and the fee for
22 requests under the National Child Protection Act shall be \$18
23 for each volunteer name submitted. The state offices of the
24 Public Defender shall not be assessed a fee for Florida
25 criminal history information or wanted person information.

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

29 Section 3. Section 985.04, Florida Statutes, is
30 amended to read:

31 (Substantial rewording of section. See

1 s. 985.04, F.S., for present text.)
2 985.04 Oaths; confidentiality of information.--
3 (1) OATHS.--Authorized agents of the department may
4 administer oaths and affirmations.
5 (2) CONFIDENTIALITY.--Except as provided in subsection
6 (3) and ss. 943.053 and 985.11, all information relating to a
7 juvenile which is obtained under this chapter in the discharge
8 of an official duty by any judge, any employee of the court,
9 any authorized agent of the department, the Parole Commission,
10 the Department of Corrections, the juvenile justice circuit
11 boards, any law enforcement agency, or any licensed
12 professional or licensed community agency representative
13 participating in the assessment or treatment of a juvenile is
14 confidential and exempt from the provisions of s. 119.07(1)
15 and s. 24(a), Art. I of the State Constitution. The name,
16 photograph, address, and crime or arrest report of a minor who
17 is adjudicated as an adult or who has been found to have
18 committed an offense that would be a felony if committed by an
19 adult, is not exempt from s. 119.07(1) and s. 24(a), Art. I of
20 the State Constitution.
21 (3) AUTHORIZED DISCLOSURE.--Information relating to
22 juveniles which is authorized for disclosure under this
23 subsection and ss. 943.053 and 985.11 may not be used for any
24 purpose other than that authorized by law.
25 (a) Confidential information described in subsection
26 (2) may be disclosed only:
27 1. To, and may only be used for the discharge of an
28 official duty by, authorized personnel of the court, the
29 department and its designees, the Department of Corrections,
30 the Parole Commission, law enforcement agencies, school
31 superintendents and their designees, licensed professional or

1 licensed community agency representatives participating in the
2 assessment or treatment of a juvenile, and others entitled
3 under this chapter to receive that information.

4 2. Upon order of the court.

5 (b) A law enforcement agency may release a copy of the
6 juvenile offense report to the victim of the offense. However,
7 information gained by the victim under this chapter, including
8 the next of kin of a homicide victim, regarding any case
9 handled in juvenile court may not be revealed to any person
10 except to the extent that is reasonably necessary in pursuit
11 of legal remedies.

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

14 1. A law enforcement agency when a child is taken into
15 custody by a law enforcement officer for an offense that would
16 have been a felony if committed by an adult or for committing
17 a crime of violence.

18 2. The state attorney when a child is formally charged
19 with a felony or a delinquent act that would be a felony if
20 committed by an adult. The information obtained by the
21 superintendent under this section must be released within 48
22 hours after receipt to the principal of the school. The
23 principal must immediately notify the child's immediate
24 classroom teachers. Upon notification, the principal may begin
25 disciplinary actions under s. 1006.09.

26 3. The department when the child is in the care and
27 custody or under the jurisdiction or supervision of the
28 department and has a known history of criminal sexual behavior
29 with other juveniles; is an alleged juvenile sexual offender,
30 as defined in s. 39.01; has pled guilty or nolo contendere to,
31 or has been found to have committed, an offense specified in

1 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
2 847.0133, regardless of adjudication; or has been placed in a
3 probation or commitment program for any felony offense.

4 (d) Records in the custody of the department regarding
5 children may be inspected only upon order of the secretary of
6 the department or his or her authorized agent by persons who
7 have sufficient reason and upon such conditions for their use
8 and disposition as the secretary or his or her authorized
9 agent considers proper. The information in such records may be
10 disclosed only to other employees of the department who have a
11 need therefor in order to perform their official duties; to
12 other persons as authorized by rule of the department; and,
13 upon request, to the Department of Corrections. The secretary
14 or his or her authorized agent may permit properly qualified
15 persons to inspect and make abstracts from records for
16 statistical purposes under whatever conditions upon their use
17 and disposition the secretary or his or her authorized agent
18 considers proper if adequate assurances are given that
19 children's names and other identifying information will not be
20 disclosed by the applicant.

21 (e) Sealed records under paragraph (5)(a) may be
22 disclosed only for use in meeting the screening requirements
23 for personnel in ss. 402.3055, 435.03, and 435.04; however,
24 current criminal history information must be obtained from the
25 Department of Law Enforcement in accordance with s. 943.053.
26 The information shall be released to those persons specified
27 in this subsection for the purposes of complying with those
28 sections.

29 (4) INTERAGENCY AGREEMENTS.--Within each county, the
30 sheriff, the chiefs of police, the district school
31 superintendent, and the department shall enter into an

1 interagency agreement for the purpose of sharing information,
2 as authorized under subsection (2), concerning juvenile
3 offenders among all organizations. The agreement must specify
4 the conditions under which summary criminal history
5 information is to be made available to appropriate school
6 personnel and the conditions under which school records are to
7 be made available to appropriate department personnel. The
8 agencies entering into the agreement must comply with s.
9 943.0525 and all applicable state and federal laws and
10 regulations, and must maintain the confidentiality of
11 information that is otherwise exempt from s. 119.07(1), as
12 provided by law.

13 (5) RECORD RETENTION.--Records maintained by the
14 department, including copies of records maintained by the
15 court:

16 (a) May not be destroyed by the department for a
17 period of 25 years after a child's final referral to the
18 department unless the child dies, if they pertain to a child
19 found to have committed a delinquent act which, if committed
20 by an adult, would be a crime specified in s. 435.03 or s.
21 435.04. Such records must be sealed by the court for use only
22 in meeting the screening requirements for personnel in ss.
23 402.3055, 435.03, and 435.04.

24 (b) For records other than those subject to paragraph
25 (a), shall be retained by the department until the record is
26 expunged under chapter 943.

27 (6) PENALTIES.--

28 (a) Any employee of a district school board who
29 knowingly and willfully discloses information received under
30 paragraph (3)(c) to an unauthorized person commits a
31

1 misdemeanor of the second degree, punishable as provided in s.
2 775.082 or s. 775.083.

3 (b) The court may punish by contempt any person who
4 releases or uses sealed records under paragraph (5)(a) for any
5 purpose not authorized by paragraph (3)(e).

6 Section 4. Section 985.11, Florida Statutes, is
7 amended to read:

8 985.11 Fingerprinting and photographing.--

9 ~~(1)(a) A child who is charged with or found to have~~
10 ~~committed an offense that would be a felony if committed by an~~
11 ~~adult shall be fingerprinted and the fingerprints must be~~
12 ~~submitted to the Department of Law Enforcement as provided in~~
13 ~~s. 943.051(3)(a).~~

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

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

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

20 ~~3. Carrying a concealed weapon, as defined in s.~~
21 ~~790.01(1).~~

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

24 ~~5. Negligent treatment of children, as defined in~~
25 ~~former s. 827.05.~~

26 ~~6. Assault on a law enforcement officer, a~~
27 ~~firefighter, or other specified officers, as defined in s.~~
28 ~~784.07(2)(a).~~

29 ~~7. Open carrying of a weapon, as defined in s.~~
30 ~~790.053.~~

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

1 ~~9. Unlawful possession of a firearm, as defined in s.~~
2 ~~790.22(5).~~

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

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

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

7 ~~13. Unlawful possession or discharge of a weapon or~~
8 ~~firearm at a school sponsored event or on school property as~~
9 ~~defined in s. 790.115.~~

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11 A law enforcement agency:

12 1. Shall fingerprint a child and submit the
13 fingerprints to the Department of Law Enforcement as required
14 under s. 943.051(3).

15 2. May fingerprint and photograph a child taken into
16 custody upon probable cause that such child has committed any
17 other violation of law, other than those specified in s.
18 943.051(3), as the agency deems appropriate. Such fingerprint
19 records may be submitted to the Department of Law Enforcement
20 for inclusion in the state criminal history records and may be
21 used only by criminal justice agencies for criminal justice
22 purposes.

23 (b) Such fingerprint records and photographs of
24 children shall be retained by the law enforcement agency in a
25 separate file, and these records and all copies thereof must
26 be marked "Juvenile Confidential." These records are not
27 available for public disclosure and inspection under s.
28 119.07(1) except as provided in ss. 943.053 and ~~985.04~~
29 ~~985.04(2)~~, but shall be available to other law enforcement
30 agencies, criminal justice agencies, state attorneys, the
31 courts, the child, the parents or legal custodians of the

1 child, their attorneys, and any other person authorized by the
2 court to have access to such records. ~~In addition, such~~
3 ~~records may be submitted to the Department of Law Enforcement~~
4 ~~for inclusion in the state criminal history records and used~~
5 ~~by criminal justice agencies for criminal justice purposes.~~
6 These records may, in the discretion of the court, be open to
7 inspection by anyone upon a showing of cause. The fingerprint
8 and photograph records shall be produced in the court whenever
9 directed by the court. Any photograph taken pursuant to this
10 section may be shown by a law enforcement officer to any
11 victim or witness of a crime for the purpose of identifying
12 the person who committed such crime.

13 (c) The court is ~~shall be~~ responsible for the
14 fingerprinting of any child at the disposition hearing if the
15 child has been adjudicated or had adjudication withheld for
16 any felony in the case currently before the court.

17 (2) If the child is not referred to the court, or if
18 the child is found not to have committed a violation of law,
19 the court may, after notice to the law enforcement agency
20 involved, order the originals and copies of the fingerprints
21 and photographs destroyed. Unless otherwise ordered by the
22 court, if the child is found to have committed an offense
23 which would be a felony if it had been committed by an adult,
24 then the law enforcement agency having custody of the
25 fingerprint and photograph records shall retain the originals
26 and immediately thereafter forward adequate duplicate copies
27 to the court along with the written offense report relating to
28 the matter for which the child was taken into custody. Except
29 as otherwise provided by this subsection, the clerk of the
30 court, after the disposition hearing on the case, shall
31 forward duplicate copies of the fingerprints and photographs,

1 together with the child's name, address, date of birth, age,
2 and sex, to:

3 (a) The sheriff of the county in which the child was
4 taken into custody, in order to maintain a central child
5 identification file in that county.

6 (b) The law enforcement agency of each municipality
7 having a population in excess of 50,000 persons and located in
8 the county of arrest, if so requested specifically or by a
9 general request by that agency.

10 (3) This section does not prohibit the fingerprinting
11 or photographing of child traffic violators. All records of
12 ~~such~~ traffic violations shall be kept in the full name of the
13 violator and are ~~shall be~~ open to inspection and publication
14 in the same manner as adult traffic violations. This section
15 does not apply to the photographing of children by the
16 department ~~of Juvenile Justice~~ or the Department of Children
17 and Family Services.

18 Section 5. Subsection (2) of section 985.045, Florida
19 Statutes, is amended to read:

20 985.045 Court records.--

21 (2) The clerk shall keep all official records required
22 by this section separate from other records of the circuit
23 court, except those records pertaining to motor vehicle
24 violations, which shall be forwarded to the Department of
25 Highway Safety and Motor Vehicles. Except as provided in ss.
26 943.053 and 985.04 ~~985.04(7)~~, official records required by
27 this chapter are not open to inspection by the public, but may
28 be inspected only upon order of the court by persons deemed by
29 the court to have a proper interest therein, except that a
30 child and the parents, guardians, or legal custodians of the
31 child and their attorneys, law enforcement agencies, the

1 Department of Juvenile Justice and its designees, the Parole
2 Commission, the Department of Corrections, and the Justice
3 Administrative Commission shall always have the right to
4 inspect and copy any official record pertaining to the child.
5 The court may permit authorized representatives of recognized
6 organizations compiling statistics for proper purposes to
7 inspect, and make abstracts from, official records under
8 whatever conditions upon the use and disposition of such
9 records the court may deem proper and may punish by contempt
10 proceedings any violation of those conditions.

11 Section 6. Subsection (2) of section 1006.08, Florida
12 Statutes, is amended to read:

13 1006.08 District school superintendent duties relating
14 to student discipline and school safety.--

15 (2) Notwithstanding s. 985.04 ~~the provisions of s.~~
16 ~~985.04(7)~~ or any other ~~provision of~~ law to the contrary, the
17 court shall, within 48 hours of the finding, notify the
18 appropriate district school superintendent of the name and
19 address of any student found to have committed a delinquent
20 act, or who has had adjudication of a delinquent act withheld
21 which, if committed by an adult, would be a felony, or the
22 name and address of any student found guilty of a felony.
23 Notification shall include the specific delinquent act found
24 to have been committed or for which adjudication was withheld,
25 or the specific felony for which the student was found guilty.

26 Section 7. Subsection (1) of section 1012.797, Florida
27 Statutes, is amended to read:

28 1012.797 Notification of district school
29 superintendent of certain charges against or convictions of
30 employees.--
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1 (1) Notwithstanding s. 985.04 ~~the provisions of s.~~
2 ~~985.04(7)~~ or any other provision of law to the contrary, a law
3 enforcement agency shall, within 48 hours, notify the
4 appropriate district school superintendent of the name and
5 address of any employee of the school district who is charged
6 with a felony or with a misdemeanor involving the abuse of a
7 minor child or the sale or possession of a controlled
8 substance. The notification shall include the specific charge
9 for which the employee of the school district was arrested.
10 Such notification shall include other education providers such
11 as the Florida School for the Deaf and the Blind, university
12 lab schools, and private elementary and secondary schools.

13 Section 8. This act shall take effect July 1, 2007.

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16 SENATE SUMMARY

17 Requires each clerk of court to submit information
18 concerning juvenile arrest records to the Department of
19 Law Enforcement. Provides criteria for disseminating
20 criminal justice information. Provides confidentiality
21 for certain information. Authorizes disclosures. Provides
22 for an interagency agreement. Provides for records
23 retention. Provides penalties for violations of
24 disclosure laws. Provides for fingerprints and
25 photographs to be taken from certain juveniles for use in
26 investigating other violations of law.
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