

HB 7089

2008

1 A bill to be entitled
2 An act relating to public records exemptions; amending s.
3 943.053, F.S.; making confidential and exempt from public
4 records requirements certain criminal history records
5 relating to minors; providing for the release of such
6 records in certain circumstances; providing for future
7 review and repeal; providing a statement of public
8 necessity; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (a) of subsection (3) of section
13 943.053, Florida Statutes, is amended to read:

14 943.053 Dissemination of criminal justice information;
15 fees.--

16 (3) (a) 1. Criminal history information, including
17 information relating to minors, compiled by the Criminal Justice
18 Information Program from intrastate sources shall be available
19 on a priority basis to criminal justice agencies for criminal
20 justice purposes free of charge. After providing the program
21 with all known identifying information, persons in the private
22 sector and noncriminal justice agencies may be provided criminal
23 history information upon tender of fees as established in this
24 subsection and in the manner prescribed by rule of the
25 Department of Law Enforcement. Such fees are to offset the cost
26 of producing the record information, including the total cost of
27 creating, storing, maintaining, updating, retrieving, improving,
28 and providing criminal history information in a centralized,

HB 7089

2008

29 automated database, including personnel, technology, and
30 infrastructure expenses. Any access to criminal history
31 information by the private sector or noncriminal justice
32 agencies as provided in this subsection shall be assessed
33 without regard to the quantity or category of criminal history
34 record information requested. Fees may be waived or reduced by
35 the executive director of the Department of Law Enforcement for
36 good cause shown.

37 2.a. The criminal history record of a minor compiled by
38 the Criminal Justice Information Program from intrastate sources
39 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
40 I of the State Constitution, unless that minor is at any time
41 arrested for, or found to have committed, regardless of
42 adjudication, a felony offense, or is at any time arrested for,
43 or found to have committed, regardless of adjudication, a
44 misdemeanor offense after having been arrested for, or found to
45 have committed, regardless of adjudication, misdemeanor offenses
46 on at least three prior occasions. In the event of any such
47 arrest or finding, the confidentiality and exemption provided by
48 this subparagraph shall not apply to any portion of the criminal
49 history record of the minor. The removal of this confidentiality
50 and exemption shall have no effect on any other exemption from
51 disclosure that may otherwise be provided by law. Records made
52 confidential and exempt by this subparagraph may be disclosed to
53 those persons and entities authorized in s. 943.059(4) to
54 receive sealed criminal history records, to each judge in the
55 state courts system for the purpose of assisting judges in their
56 case-related decisionmaking responsibilities, to private

57 contractors authorized in subsections (8), (9), and (10) to
58 receive sealed criminal history records as specified therein,
59 and to those persons and entities authorized in s. 985.04(1) to
60 receive information obtained under chapter 985.

61 b. This subparagraph is subject to the Open Government
62 Sunset Review Act in accordance with s. 119.15 and shall stand
63 repealed on October 2, 2014, unless reviewed and saved from
64 repeal through reenactment by the Legislature.

65 Section 2. The Legislature finds that it is a public
66 necessity that criminal history records of minors who have not
67 been arrested for, or been found to have committed, regardless
68 of adjudication, a felony offense, be made confidential and
69 exempt from public records requirements. Youth are often denied
70 employment and other life and career opportunities as a result
71 of mistakes made during adolescence. These offenses can have
72 short-term and long-term consequences, becoming serious
73 impediments to employment, education, and other socially
74 productive and meaningful pursuits, whether at the time they
75 enter adulthood or at some other critical life juncture years
76 after the arrest or conviction.

77 Section 3. This act shall take effect January 1, 2009.