

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.

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

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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,

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, or is at any time arrested  
69 for, or found to have committed, regardless of adjudication, a  
70 misdemeanor offense, after having been arrested for, or found to  
71 have committed, regardless of adjudication, misdemeanor offenses  
72 on at least three prior occasions, be made confidential and  
73 exempt from public records requirements. Youth are often denied  
74 employment and other life and career opportunities as a result  
75 of mistakes made during adolescence. These offenses can have  
76 short-term and long-term consequences, becoming serious  
77 impediments to employment, education, and other socially  
78 productive and meaningful pursuits, whether at the time they  
79 enter adulthood or at some other critical life juncture years  
80 after the arrest or conviction. Therefore, the Legislature finds  
81 that this exemption is a public necessity because it protects  
82 information of a sensitive personal nature concerning  
83 individuals and mistakes they might have made as adolescents.  
84 The release of such information could cause unwarranted damage

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85 | to the reputation of such individuals due to mistakes made  
86 | during their youth.

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