

1 A bill to be entitled
2 An act relating to public records; amending s. 985.04,
3 F.S.; specifying that certain confidential information
4 obtained under chapter 985, F.S., relating to juvenile
5 justice, is exempt from public records requirements;
6 providing applicability; revising applicability of
7 public records requirements with respect to the arrest
8 records of certain juvenile offenders; authorizing
9 public records custodians to choose not to
10 electronically publish specified arrest or booking
11 photographs of juveniles; providing for future review
12 and repeal of such applicability provisions; amending
13 s. 943.053, F.S.; providing an exemption from public
14 records requirements for juvenile information compiled
15 by the Criminal Justice Information Program from
16 intrastate sources; providing exceptions; providing
17 for future review and repeal of the exemption;
18 providing for release by the Department of Law
19 Enforcement of the criminal history information of a
20 juvenile which has been deemed confidential and exempt
21 under certain circumstances; amending ss. 496.4101 and
22 943.056, F.S.; conforming provisions to changes made
23 by the act; reenacting s. 110.1127(4), F.S., relating
24 to employee background screening and investigations,
25 to incorporate the amendment made by the act to s.
26 943.053, F.S., in a reference thereto; reenacting s.

27 373.6055(3) (a), F.S., relating to criminal history
28 checks for certain water management district employees
29 and others, to incorporate the amendment made by the
30 act to s. 943.053, F.S., in a reference thereto;
31 reenacting s. 408.809(6), F.S., relating to background
32 screening, to incorporate the amendment made by the
33 act to s. 943.053, F.S., in a reference thereto;
34 reenacting s. 943.046(1), F.S., relating to
35 notification of criminal offender information, to
36 incorporate the amendment made by the act to s.
37 943.053, F.S., in a reference thereto; reenacting s.
38 943.05(2) (h), F.S., relating to the Criminal Justice
39 Information Program, to incorporate the amendment made
40 by the act to s. 943.053, F.S., in a reference
41 thereto; reenacting s. 943.0542(2) (c), F.S., relating
42 to access to criminal history information provided by
43 the Department of Law Enforcement to qualified
44 entities, to incorporate the amendment made by the act
45 to s. 943.053, F.S., in a reference thereto;
46 reenacting s. 943.0543(5), F.S., relating to the
47 National Crime Prevention and Privacy Compact, to
48 incorporate the amendment made by the act to s.
49 943.053, F.S., in a reference thereto; reenacting s.
50 985.045(2), F.S., relating to court records, to
51 incorporate the amendments made by the act to ss.
52 943.053 and 985.04, F.S., in references thereto;

53 | reenacting s. 985.11(1)(b), F.S., relating to
 54 | fingerprinting and photographing juveniles, to
 55 | incorporate the amendments made by the act to ss.
 56 | 943.053 and 985.04, F.S., in references thereto;
 57 | providing a statement of public necessity; providing
 58 | an effective date.

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

62 | Section 1. Subsections (1) and (2) of section 985.04,
 63 | Florida Statutes, are amended to read:

64 | 985.04 Oaths; records; confidential information.—

65 | (1) (a) Except as provided in subsections (2), (3), (6),
 66 | and (7) and s. 943.053, all information obtained under this
 67 | chapter in the discharge of official duty by any judge, any
 68 | employee of the court, any authorized agent of the department,
 69 | the Florida Commission on Offender Review, the Department of
 70 | Corrections, the juvenile justice circuit boards, any law
 71 | enforcement agent, or any licensed professional or licensed
 72 | community agency representative participating in the assessment
 73 | or treatment of a juvenile is confidential and exempt from s.
 74 | 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 75 | exemption applies to information obtained before, on, or after
 76 | the effective date of this exemption.

77 | (b) Such confidential and exempt information ~~and~~ may be
 78 | disclosed only to the authorized personnel of the court, the

79 department and its designees, the Department of Corrections, the
80 Florida Commission on Offender Review, law enforcement agents,
81 school superintendents and their designees, any licensed
82 professional or licensed community agency representative
83 participating in the assessment or treatment of a juvenile, and
84 others entitled under this chapter to receive that information,
85 or upon order of the court.

86 (c) Within each county, the sheriff, the chiefs of police,
87 the district school superintendent, and the department shall
88 enter into an interagency agreement for the purpose of sharing
89 information about juvenile offenders among all parties. The
90 agreement must specify the conditions under which summary
91 criminal history information is to be made available to
92 appropriate school personnel, and the conditions under which
93 school records are to be made available to appropriate
94 department personnel. Such agreement shall require notification
95 to any classroom teacher of assignment to the teacher's
96 classroom of a juvenile who has been placed in a probation or
97 commitment program for a felony offense. The agencies entering
98 into such agreement must comply with s. 943.0525, and must
99 maintain the confidentiality of information that is otherwise
100 exempt from s. 119.07(1), as provided by law.

101 (2) (a)1. Notwithstanding any other provisions of this
102 chapter, the name, photograph, address, and crime or arrest
103 report of a child:

104 a. ~~(a)~~ Taken into custody ~~if the child has been taken into~~

105 ~~custody~~ by a law enforcement officer for a violation of law
 106 which, if committed by an adult, would be a felony;

107 b. Charged with a violation of law which, if committed by
 108 an adult, would be a felony;

109 c. Found to have committed an offense which, if committed
 110 by an adult, would be a felony; or

111 d. Transferred to adult court pursuant to part X of this
 112 chapter,

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

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

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

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

122
 123 are shall not ~~be~~ considered confidential and exempt from s.
 124 119.07(1) solely because of the child's age.

125 2. A public records custodian may choose not to
 126 electronically publish on the custodian's website the arrest or
 127 booking photographs of a child which are not confidential and
 128 exempt under this section; however, this subparagraph does not
 129 restrict public access to records as provided by s. 119.07.

130 (b) This subsection is subject to the Open Government

131 Sunset Review Act in accordance with s. 119.15 and shall stand
132 repealed on October 2, 2021, unless reviewed and saved from
133 repeal through reenactment by the Legislature.

134 Section 2. Subsections (3), (8), (9), and (10) of section
135 943.053, Florida Statutes, are amended to read:

136 943.053 Dissemination of criminal justice information;
137 fees.—

138 (3) (a) Criminal history information, ~~including information~~
139 relating to an adult ~~minors~~, compiled by the Criminal Justice
140 Information Program from intrastate sources shall be available
141 on a priority basis to criminal justice agencies for criminal
142 justice purposes free of charge. After providing the program
143 with all known personal identifying information, persons in the
144 private sector and noncriminal justice agencies may be provided
145 criminal history information upon tender of fees as established
146 in this subsection and in the manner prescribed by rule of the
147 Department of Law Enforcement. ~~Any access to criminal history~~
148 ~~information by the private sector or noncriminal justice~~
149 ~~agencies as provided in this subsection shall be assessed~~
150 ~~without regard to the quantity or category of criminal history~~
151 ~~record information requested.~~

152 (b)1. Criminal history information relating to a juvenile
153 compiled by the Criminal Justice Information Program from
154 intrastate sources shall be released as provided in this
155 section. Such information is confidential and exempt from s.
156 119.07(1) and s. 24(a), Art. I of the State Constitution, unless

157 such juvenile has been:

158 a. Taken into custody by a law enforcement officer for a
159 violation of law which, if committed by an adult, would be a
160 felony;

161 b. Charged with a violation of law which, if committed by
162 an adult, would be a felony;

163 c. Found to have committed an offense which, if committed
164 by an adult, would be a felony; or

165 d. Transferred to adult court pursuant to part X of
166 chapter 985,

167
168 and provided the criminal history record has not been expunged
169 or sealed under any law applicable to such record.

170 2. This paragraph is subject to the Open Government Sunset
171 Review Act in accordance with s. 119.15 and shall stand repealed
172 on October 2, 2021, unless reviewed and saved from repeal
173 through reenactment by the Legislature.

174 (c)1. Criminal history information relating to juveniles,
175 including criminal history information consisting in whole or in
176 part of information that is confidential and exempt under
177 paragraph (b), shall be available to:

178 a. A criminal justice agency for criminal justice purposes
179 on a priority basis and free of charge;

180 b. The person to whom the record relates, or his or her
181 attorney;

182 c. The parent, guardian, or legal custodian of the person

183 to whom the record relates, provided such person has not reached
184 the age of majority, been emancipated by a court, or been
185 legally married; or

186 d. An agency or entity specified in s. 943.0585(4) or s.
187 943.059(4), for the purposes specified therein, and to any
188 person within such agency or entity who has direct
189 responsibility for employment, access authorization, or
190 licensure decisions.

191 2. After providing the program with all known personal
192 identifying information, the criminal history information
193 relating to a juvenile which is not confidential and exempt
194 under this subsection may be released to the private sector and
195 noncriminal justice agencies not specified in s. 943.0585(4) or
196 s. 943.059(4) in the same manner as provided in paragraph (a).
197 Criminal history information relating to a juvenile which is not
198 confidential and exempt under this subsection is the entire
199 criminal history information relating to a juvenile who
200 satisfies any of the criteria listed in sub-subparagraphs
201 (b)1.a. through (b)1.d., except for any portion of such
202 juvenile's criminal history record which has been expunged or
203 sealed under any law applicable to such record.

204 3. All criminal history information relating to juveniles,
205 other than that provided to criminal justice agencies for
206 criminal justice purposes, shall be provided upon tender of fees
207 as established in this subsection and in the manner prescribed
208 by rule of the Department of Law Enforcement.

209 (d) The fee for access to criminal history information by
 210 the private sector or a noncriminal justice agency shall be
 211 assessed without regard to the size or category of criminal
 212 history record information requested.

213 (e) ~~(b)~~ The fee per record for criminal history information
 214 provided pursuant to this subsection and s. 943.0542 is \$24 per
 215 name submitted, except that the fee for the guardian ad litem
 216 program and vendors of the Department of Children and Families,
 217 the Department of Juvenile Justice, and the Department of
 218 Elderly Affairs shall be \$8 for each name submitted; the fee for
 219 a state criminal history provided for application processing as
 220 required by law to be performed by the Department of Agriculture
 221 and Consumer Services shall be \$15 for each name submitted; and
 222 the fee for requests under s. 943.0542, which implements the
 223 National Child Protection Act, shall be \$18 for each volunteer
 224 name submitted. The state offices of the Public Defender shall
 225 not be assessed a fee for Florida criminal history information
 226 or wanted person information.

227 (8) Notwithstanding ~~the provisions of~~ s. 943.0525, and any
 228 user agreements adopted pursuant thereto, and notwithstanding
 229 the confidentiality of sealed records as provided for in s.
 230 943.059 and juvenile records as provided for in paragraph
 231 (3) (b), the sheriff of any county that has contracted with a
 232 private entity to operate a county detention facility pursuant
 233 to ~~the provisions of~~ s. 951.062 shall provide that private
 234 entity, in a timely manner, copies of the Florida criminal

235 history records for its inmates. The sheriff may assess a charge
236 for the Florida criminal history records pursuant to ~~the~~
237 ~~provisions of~~ chapter 119. Sealed records and confidential
238 juvenile records received by the private entity under this
239 section remain confidential and exempt from ~~the provisions of~~ s.
240 119.07(1).

241 (9) Notwithstanding ~~the provisions of~~ s. 943.0525, and any
242 user agreements adopted pursuant thereto, and notwithstanding
243 the confidentiality of sealed records as provided for in s.
244 943.059 and juvenile records as provided for in paragraph
245 (3) (b), the Department of Corrections shall provide, in a timely
246 manner, copies of the Florida criminal history records for
247 inmates housed in a private state correctional facility to the
248 private entity under contract to operate the facility pursuant
249 to ~~the provisions of~~ s. 944.105. The department may assess a
250 charge for the Florida criminal history records pursuant to ~~the~~
251 ~~provisions of~~ chapter 119. Sealed records and confidential
252 juvenile records received by the private entity under this
253 section remain confidential and exempt from ~~the provisions of~~ s.
254 119.07(1).

255 (10) Notwithstanding ~~the provisions of~~ s. 943.0525 and any
256 user agreements adopted pursuant thereto, and notwithstanding
257 the confidentiality of sealed records as provided for in s.
258 943.059 or of juvenile records as provided for in paragraph
259 (3) (b), the Department of Juvenile Justice or any other state or
260 local criminal justice agency may provide copies of the Florida

261 criminal history records for juvenile offenders currently or
 262 formerly detained or housed in a contracted juvenile assessment
 263 center or detention facility or serviced in a contracted
 264 treatment program and for employees or other individuals who
 265 will have access to these facilities, only to the entity under
 266 direct contract with the Department of Juvenile Justice to
 267 operate these facilities or programs pursuant to ~~the provisions~~
 268 ~~of~~ s. 985.688. The criminal justice agency providing such data
 269 may assess a charge for the Florida criminal history records
 270 pursuant to ~~the provisions of~~ chapter 119. Sealed records and
 271 confidential juvenile records received by the private entity
 272 under this section remain confidential and exempt from ~~the~~
 273 ~~provisions of~~ s. 119.07(1). Information provided under this
 274 section shall be used only for the criminal justice purpose for
 275 which it was requested and may not be further disseminated.

276 Section 3. Paragraph (b) of subsection (3) of section
 277 496.4101, Florida Statutes, is amended to read:

278 496.4101 Licensure of professional solicitors and certain
 279 employees thereof.-

280 (3)

281 (b) Fees for state and federal fingerprint processing and
 282 fingerprint retention fees shall be borne by the applicant. The
 283 state cost for fingerprint processing is that authorized in s.
 284 943.053(3)(e) ~~943.053(3)(b)~~ for records provided to persons or
 285 entities other than those specified as exceptions therein.

286 Section 4. Subsection (1) of section 943.056, Florida

287 Statutes, is amended to read:

288 943.056 Criminal history records; access, review, and
289 challenge.—

290 (1) For purposes of verification of the accuracy and
291 completeness of a criminal history record, the Department of Law
292 Enforcement shall provide, in the manner prescribed by rule,
293 such record for review upon verification, by fingerprints, of
294 the identity of the requesting person. If a minor, or the parent
295 or legal guardian of a minor, requests a copy of the minor's
296 criminal history record, the Department of Law Enforcement shall
297 provide such copy, including any portions of the record which
298 may be confidential under s. 943.053(3)(b), for review upon
299 verification, by fingerprints, of the identity of the minor. The
300 providing of such record shall not require the payment of any
301 fees, except those provided for by federal regulations.

302 Section 5. For the purpose of incorporating the amendment
303 made by this act to section 943.053, Florida Statutes, in a
304 reference thereto, subsection (4) of section 110.1127, Florida
305 Statutes, is reenacted to read:

306 110.1127 Employee background screening and
307 investigations.—

308 (4) Background screening and investigations shall be
309 conducted at the expense of the employing agency. If
310 fingerprinting is required, the fingerprints shall be taken by
311 the employing agency, a law enforcement agency, or a vendor as
312 authorized pursuant to s. 435.04, submitted to the Department of

313 Law Enforcement for state processing, and forwarded by the
314 Department of Law Enforcement to the Federal Bureau of
315 Investigation for national processing. The agency or vendor
316 shall remit the processing fees required by s. 943.053 to the
317 Department of Law Enforcement.

318 Section 6. For the purpose of incorporating the amendment
319 made by this act to section 943.053, Florida Statutes, in a
320 reference thereto, paragraph (a) of subsection (3) of section
321 373.6055, Florida Statutes, is reenacted to read:

322 373.6055 Criminal history checks for certain water
323 management district employees and others.—

324 (3) (a) The fingerprint-based criminal history check shall
325 be performed on any person described in subsection (1) pursuant
326 to the applicable water management district's security plan for
327 buildings, facilities, and structures. With respect to employees
328 or others with regular access, such checks shall be performed at
329 least once every 5 years or at other more frequent intervals as
330 provided by the water management district's security plan for
331 buildings, facilities, and structures. Each individual subject
332 to the criminal history check shall file a complete set of
333 fingerprints which are taken in a manner required by the
334 Department of Law Enforcement and the water management district
335 security plan. Fingerprints shall be submitted to the Department
336 of Law Enforcement for state processing and to the Federal
337 Bureau of Investigation for federal processing. The results of
338 each fingerprint-based check shall be reported to the requesting

339 water management district. The costs of the checks, consistent
340 with s. 943.053(3), shall be paid by the water management
341 district or other employing entity or by the individual checked.

342 Section 7. For the purpose of incorporating the amendment
343 made by this act to section 943.053, Florida Statutes, in a
344 reference thereto, subsection (6) of section 408.809, Florida
345 Statutes, is reenacted to read:

346 408.809 Background screening; prohibited offenses.—

347 (6) The costs associated with obtaining the required
348 screening must be borne by the licensee or the person subject to
349 screening. Licensees may reimburse persons for these costs. The
350 Department of Law Enforcement shall charge the agency for
351 screening pursuant to s. 943.053(3). The agency shall establish
352 a schedule of fees to cover the costs of screening.

353 Section 8. For the purpose of incorporating the amendment
354 made by this act to section 943.053, Florida Statutes, in a
355 reference thereto, subsection (1) of section 943.046, Florida
356 Statutes, is reenacted to read:

357 943.046 Notification of criminal offender information.—

358 (1) Any state or local law enforcement agency may release
359 to the public any criminal history information and other
360 information regarding a criminal offender, including, but not
361 limited to, public notification by the agency of the
362 information, unless the information is confidential and exempt
363 from s. 119.07(1) and s. 24(a), Art. I of the State
364 Constitution. However, this section does not contravene any

365 provision of s. 943.053 which relates to the method by which an
366 agency or individual may obtain a copy of an offender's criminal
367 history record.

368 Section 9. For the purpose of incorporating the amendment
369 made by this act to section 943.053, Florida Statutes, in a
370 reference thereto, paragraph (h) of subsection (2) of section
371 943.05, Florida Statutes, is reenacted to read:

372 943.05 Criminal Justice Information Program; duties; crime
373 reports.—

374 (2) The program shall:

375 (h) For each agency or qualified entity that officially
376 requests retention of fingerprints or for which retention is
377 otherwise required by law, search all arrest fingerprint
378 submissions received under s. 943.051 against the fingerprints
379 retained in the statewide automated biometric identification
380 system under paragraph (g).

381 1. Any arrest record that is identified with the retained
382 fingerprints of a person subject to background screening as
383 provided in paragraph (g) shall be reported to the appropriate
384 agency or qualified entity.

385 2. To participate in this search process, agencies or
386 qualified entities must notify each person fingerprinted that
387 his or her fingerprints will be retained, pay an annual fee to
388 the department unless otherwise provided by law, and inform the
389 department of any change in the affiliation, employment, or
390 contractual status of each person whose fingerprints are

391 retained under paragraph (g) if such change removes or
392 eliminates the agency or qualified entity's basis or need for
393 receiving reports of any arrest of that person, so that the
394 agency or qualified entity is not obligated to pay the upcoming
395 annual fee for the retention and searching of that person's
396 fingerprints to the department. The department shall adopt a
397 rule setting the amount of the annual fee to be imposed upon
398 each participating agency or qualified entity for performing
399 these searches and establishing the procedures for the retention
400 of fingerprints and the dissemination of search results. The fee
401 may be borne by the agency, qualified entity, or person subject
402 to fingerprint retention or as otherwise provided by law.
403 Consistent with the recognition of criminal justice agencies
404 expressed in s. 943.053(3), these services shall be provided to
405 criminal justice agencies for criminal justice purposes free of
406 charge. Qualified entities that elect to participate in the
407 fingerprint retention and search process are required to timely
408 remit the fee to the department by a payment mechanism approved
409 by the department. If requested by the qualified entity, and
410 with the approval of the department, such fees may be timely
411 remitted to the department by a qualified entity upon receipt of
412 an invoice for such fees from the department. Failure of a
413 qualified entity to pay the amount due on a timely basis or as
414 invoiced by the department may result in the refusal by the
415 department to permit the qualified entity to continue to
416 participate in the fingerprint retention and search process

417 until all fees due and owing are paid.

418 3. Agencies that participate in the fingerprint retention
419 and search process may adopt rules pursuant to ss. 120.536(1)
420 and 120.54 to require employers to keep the agency informed of
421 any change in the affiliation, employment, or contractual status
422 of each person whose fingerprints are retained under paragraph
423 (g) if such change removes or eliminates the agency's basis or
424 need for receiving reports of any arrest of that person, so that
425 the agency is not obligated to pay the upcoming annual fee for
426 the retention and searching of that person's fingerprints to the
427 department.

428 Section 10. For the purpose of incorporating the amendment
429 made by this act to section 943.053, Florida Statutes, in a
430 reference thereto, paragraph (c) of subsection (2) of section
431 943.0542, Florida Statutes, is reenacted to read:

432 943.0542 Access to criminal history information provided
433 by the department to qualified entities.—

434 (2)

435 (c) Each such request must be accompanied by payment of a
436 fee for a statewide criminal history check by the department
437 established by s. 943.053, plus the amount currently prescribed
438 by the Federal Bureau of Investigation for the national criminal
439 history check in compliance with the National Child Protection
440 Act of 1993, as amended. Payments must be made in the manner
441 prescribed by the department by rule.

442 Section 11. For the purpose of incorporating the amendment

443 made by this act to section 943.053, Florida Statutes, in a
444 reference thereto, subsection (5) of section 943.0543, Florida
445 Statutes, is reenacted to read:

446 943.0543 National Crime Prevention and Privacy Compact;
447 ratification and implementation.—

448 (5) This compact and this section do not affect or abridge
449 the obligations and responsibilities of the department under
450 other provisions of this chapter, including s. 943.053, and do
451 not alter or amend the manner, direct or otherwise, in which the
452 public is afforded access to criminal history records under
453 state law.

454 Section 12. For the purpose of incorporating the
455 amendments made by this act to sections 943.053 and 985.04,
456 Florida Statutes, in references thereto, subsection (2) of
457 section 985.045, Florida Statutes, is reenacted to read:

458 985.045 Court records.—

459 (2) The clerk shall keep all official records required by
460 this section separate from other records of the circuit court,
461 except those records pertaining to motor vehicle violations,
462 which shall be forwarded to the Department of Highway Safety and
463 Motor Vehicles. Except as provided in ss. 943.053 and
464 985.04(6)(b) and (7), official records required by this chapter
465 are not open to inspection by the public, but may be inspected
466 only upon order of the court by persons deemed by the court to
467 have a proper interest therein, except that a child and the
468 parents, guardians, or legal custodians of the child and their

469 attorneys, law enforcement agencies, the Department of Juvenile
470 Justice and its designees, the Florida Commission on Offender
471 Review, the Department of Corrections, and the Justice
472 Administrative Commission shall always have the right to inspect
473 and copy any official record pertaining to the child. Public
474 defender offices shall have access to official records of
475 juveniles on whose behalf they are expected to appear in
476 detention or other hearings before an appointment of
477 representation. The court may permit authorized representatives
478 of recognized organizations compiling statistics for proper
479 purposes to inspect, and make abstracts from, official records
480 under whatever conditions upon the use and disposition of such
481 records the court may deem proper and may punish by contempt
482 proceedings any violation of those conditions.

483 Section 13. For the purpose of incorporating the
484 amendments made by this act to sections 943.053 and 985.04,
485 Florida Statutes, in references thereto, paragraph (b) of
486 subsection (1) of section 985.11, Florida Statutes, is reenacted
487 to read:

488 985.11 Fingerprinting and photographing.—

489 (1)

490 (b) Unless the child is issued a civil citation or is
491 participating in a similar diversion program pursuant to s.
492 985.12, a child who is charged with or found to have committed
493 one of the following offenses shall be fingerprinted, and the
494 fingerprints shall be submitted to the Department of Law

- 495 Enforcement as provided in s. 943.051(3)(b):
- 496 1. Assault, as defined in s. 784.011.
 - 497 2. Battery, as defined in s. 784.03.
 - 498 3. Carrying a concealed weapon, as defined in s.
 - 499 790.01(1).
 - 500 4. Unlawful use of destructive devices or bombs, as
 - 501 defined in s. 790.1615(1).
 - 502 5. Neglect of a child, as defined in s. 827.03(1)(e).
 - 503 6. Assault on a law enforcement officer, a firefighter, or
 - 504 other specified officers, as defined in s. 784.07(2)(a).
 - 505 7. Open carrying of a weapon, as defined in s. 790.053.
 - 506 8. Exposure of sexual organs, as defined in s. 800.03.
 - 507 9. Unlawful possession of a firearm, as defined in s.
 - 508 790.22(5).
 - 509 10. Petit theft, as defined in s. 812.014.
 - 510 11. Cruelty to animals, as defined in s. 828.12(1).
 - 511 12. Arson, resulting in bodily harm to a firefighter, as
 - 512 defined in s. 806.031(1).
 - 513 13. Unlawful possession or discharge of a weapon or
 - 514 firearm at a school-sponsored event or on school property as
 - 515 defined in s. 790.115.

516

517 A law enforcement agency may fingerprint and photograph a child

518 taken into custody upon probable cause that such child has

519 committed any other violation of law, as the agency deems

520 appropriate. Such fingerprint records and photographs shall be

521 retained by the law enforcement agency in a separate file, and
522 these records and all copies thereof must be marked "Juvenile
523 Confidential." These records are not available for public
524 disclosure and inspection under s. 119.07(1) except as provided
525 in ss. 943.053 and 985.04(2), but shall be available to other
526 law enforcement agencies, criminal justice agencies, state
527 attorneys, the courts, the child, the parents or legal
528 custodians of the child, their attorneys, and any other person
529 authorized by the court to have access to such records. In
530 addition, such records may be submitted to the Department of Law
531 Enforcement for inclusion in the state criminal history records
532 and used by criminal justice agencies for criminal justice
533 purposes. These records may, in the discretion of the court, be
534 open to inspection by anyone upon a showing of cause. The
535 fingerprint and photograph records shall be produced in the
536 court whenever directed by the court. Any photograph taken
537 pursuant to this section may be shown by a law enforcement
538 officer to any victim or witness of a crime for the purpose of
539 identifying the person who committed such crime.

540 Section 14. The Legislature finds that it is a public
541 necessity that the criminal history information of juveniles,
542 who have not been adjudicated delinquent of a felony or who have
543 been found only to have committed misdemeanor offenses and
544 certain criminal history information relating to a juvenile
545 compiled by the Criminal Justice Information Program be made
546 confidential and exempt from s. 119.07(1), Florida Statutes, and

547 s. 24(a), Article I of the State Constitution under ss. 985.04
548 and 943.053, Florida Statutes. Many individuals who have either
549 completed their sanctions and received treatment or who were
550 never charged in the juvenile justice system have found it
551 difficult to obtain employment. The presence of an arrest or a
552 misdemeanor record in these individuals' juvenile past and
553 certain criminal history information relating to a juvenile
554 compiled by the Criminal Justice Information Program creates an
555 unnecessary barrier to becoming productive members of society,
556 thus frustrating the rehabilitative purpose of the juvenile
557 system. The Legislature therefore finds that it is in the best
558 interest of the public that individuals with juvenile
559 misdemeanor records are given the opportunity to become
560 contributing members of society. Therefore, prohibiting the
561 unfettered release of juvenile misdemeanor records and certain
562 criminal history information relating to a juvenile compiled by
563 the Criminal Justice Information Program is of greater
564 importance than any public benefit that may be derived from the
565 full disclosure and release of such arrest records and
566 information.

567 Section 15. This act shall take effect upon becoming a
568 law.