



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.

59 |
 60 | Be It Enacted by the Legislature of the State of Florida:

61 |
 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 or otherwise restricted from
 129 publication by law; however, this subparagraph does not restrict
 130 public access to records as provided by s. 119.07.



131 (b) This subsection is subject to the Open Government
132 Sunset Review Act in accordance with s. 119.15 and shall stand
133 repealed on October 2, 2021, unless reviewed and saved from
134 repeal through reenactment by the Legislature.

135 Section 2. Subsections (3), (8), (9), and (10) of section
136 943.053, Florida Statutes, are amended to read:

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

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

153 (b)1. Criminal history information relating to a juvenile
154 compiled by the Criminal Justice Information Program from
155 intrastate sources shall be released as provided in this
156 section. Such information is confidential and exempt from s.



157 119.07(1) and s. 24(a), Art. I of the State Constitution, unless
158 such juvenile has been:

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

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

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

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

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

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

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

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

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



183 c. The parent, guardian, or legal custodian of the person
184 to whom the record relates, provided such person has not reached
185 the age of majority, been emancipated by a court, or been
186 legally married; or

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

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

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



209 by rule of the Department of Law Enforcement.

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

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

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



235 entity, in a timely manner, copies of the Florida criminal
236 history records for its inmates. The sheriff may assess a charge
237 for the Florida criminal history records pursuant to ~~the~~
238 ~~provisions of~~ chapter 119. Sealed records and confidential
239 juvenile records received by the private entity under this
240 section remain confidential and exempt from ~~the provisions of~~ s.
241 119.07(1).

242 (9) Notwithstanding ~~the provisions of~~ s. 943.0525, and any
243 user agreements adopted pursuant thereto, and notwithstanding
244 the confidentiality of sealed records as provided for in s.
245 943.059 and juvenile records as provided for in paragraph
246 (3)(b), the Department of Corrections shall provide, in a timely
247 manner, copies of the Florida criminal history records for
248 inmates housed in a private state correctional facility to the
249 private entity under contract to operate the facility pursuant
250 to ~~the provisions of~~ s. 944.105. The department may assess a
251 charge for the Florida criminal history records pursuant to ~~the~~
252 ~~provisions of~~ chapter 119. Sealed records and confidential
253 juvenile records received by the private entity under this
254 section remain confidential and exempt from ~~the provisions of~~ s.
255 119.07(1).

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



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

277 Section 3. Paragraph (b) of subsection (3) of section
278 496.4101, Florida Statutes, is amended to read:

279 496.4101 Licensure of professional solicitors and certain
280 employees thereof.—

281 (3)

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



287 Section 4. Subsection (1) of section 943.056, Florida
288 Statutes, is amended to read:

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

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

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

307 110.1127 Employee background screening and
308 investigations.—

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



313 authorized pursuant to s. 435.04, submitted to the Department of
314 Law Enforcement for state processing, and forwarded by the
315 Department of Law Enforcement to the Federal Bureau of
316 Investigation for national processing. The agency or vendor
317 shall remit the processing fees required by s. 943.053 to the
318 Department of Law Enforcement.

319 Section 6. For the purpose of incorporating the amendment
320 made by this act to section 943.053, Florida Statutes, in a
321 reference thereto, paragraph (a) of subsection (3) of section
322 373.6055, Florida Statutes, is reenacted to read:

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

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



339 each fingerprint-based check shall be reported to the requesting
340 water management district. The costs of the checks, consistent
341 with s. 943.053(3), shall be paid by the water management
342 district or other employing entity or by the individual checked.

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

347 408.809 Background screening; prohibited offenses.—

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

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

358 943.046 Notification of criminal offender information.—

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



365 Constitution. However, this section does not contravene any
366 provision of s. 943.053 which relates to the method by which an
367 agency or individual may obtain a copy of an offender's criminal
368 history record.

369 Section 9. For the purpose of incorporating the amendment
370 made by this act to section 943.053, Florida Statutes, in a
371 reference thereto, paragraph (h) of subsection (2) of section
372 943.05, Florida Statutes, is reenacted to read:

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

375 (2) The program shall:

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

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

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



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



417 participate in the fingerprint retention and search process
418 until all fees due and owing are paid.

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

429 Section 10. For the purpose of incorporating the amendment
430 made by this act to section 943.053, Florida Statutes, in a
431 reference thereto, paragraph (c) of subsection (2) of section
432 943.0542, Florida Statutes, is reenacted to read:

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

435 (2)

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



443 Section 11. For the purpose of incorporating the amendment
444 made by this act to section 943.053, Florida Statutes, in a
445 reference thereto, subsection (5) of section 943.0543, Florida
446 Statutes, is reenacted to read:

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

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

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

459 985.045 Court records.—

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



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

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

489 985.11 Fingerprinting and photographing.—

490 (1)

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



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495 fingerprints shall be submitted to the Department of Law
496 Enforcement as provided in s. 943.051(3)(b):

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

517

518 A law enforcement agency may fingerprint and photograph a child
519 taken into custody upon probable cause that such child has
520 committed any other violation of law, as the agency deems



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

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



547 confidential and exempt from s. 119.07(1), Florida Statutes, and
548 s. 24(a), Article I of the State Constitution under ss. 985.04
549 and 943.053, Florida Statutes. Many individuals who have either
550 completed their sanctions and received treatment or who were
551 never charged in the juvenile justice system have found it
552 difficult to obtain employment. The presence of an arrest or a
553 misdemeanor record in these individuals' juvenile past and
554 certain criminal history information relating to a juvenile
555 compiled by the Criminal Justice Information Program creates an
556 unnecessary barrier to becoming productive members of society,
557 thus frustrating the rehabilitative purpose of the juvenile
558 system. The Legislature therefore finds that it is in the best
559 interest of the public that individuals with juvenile
560 misdemeanor records are given the opportunity to become
561 contributing members of society. Therefore, prohibiting the
562 unfettered release of juvenile misdemeanor records and certain
563 criminal history information relating to a juvenile compiled by
564 the Criminal Justice Information Program is of greater
565 importance than any public benefit that may be derived from the
566 full disclosure and release of such arrest records and
567 information.

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