

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; providing for
9 future review and repeal of such applicability
10 provisions; amending s. 943.053, F.S.; providing an
11 exemption from public records requirements for
12 juvenile information compiled by the Criminal Justice
13 Information Program from intrastate sources; providing
14 exceptions; providing for future review and repeal of
15 the exemption; providing for release by the Department
16 of Law Enforcement of the criminal history information
17 of a juvenile which has been deemed confidential and
18 exempt under certain circumstances; amending ss.
19 496.4101 and 943.056, F.S.; conforming provisions to
20 changes made by the act; reenacting s. 110.1127(4),
21 F.S., relating to employee background screening and
22 investigations, to incorporate the amendment made by
23 the act to s. 943.053, F.S., in a reference thereto;
24 reenacting s. 373.6055(3)(a), F.S., relating to
25 criminal history checks for certain water management
26 district employees and others, to incorporate the

27 amendment made by the act to s. 943.053, F.S., in a
28 reference thereto; reenacting s. 408.809(6), F.S.,
29 relating to background screening, to incorporate the
30 amendment made by the act to s. 943.053, F.S., in a
31 reference thereto; reenacting s. 943.046(1), F.S.,
32 relating to notification of criminal offender
33 information, to incorporate the amendment made by the
34 act to s. 943.053, F.S., in a reference thereto;
35 reenacting s. 943.05(2)(h), F.S., relating to the
36 Criminal Justice Information Program, to incorporate
37 the amendment made by the act to s. 943.053, F.S., in
38 a reference thereto; reenacting s. 943.0542(2)(c),
39 F.S., relating to access to criminal history
40 information provided by the Department of Law
41 Enforcement to qualified entities, to incorporate the
42 amendment made by the act to s. 943.053, F.S., in a
43 reference thereto; reenacting s. 943.0543(5), F.S.,
44 relating to the National Crime Prevention and Privacy
45 Compact, to incorporate the amendment made by the act
46 to s. 943.053, F.S., in a reference thereto;
47 reenacting s. 985.045(2), F.S., relating to court
48 records, to incorporate the amendments made by the act
49 to ss. 943.053 and 985.04, F.S., in references
50 thereto; reenacting s. 985.11(1)(b), F.S., relating to
51 fingerprinting and photographing juveniles, to
52 incorporate the amendments made by the act to ss.

53 943.053 and 985.04, F.S., in references thereto;
 54 providing a statement of public necessity; providing
 55 an effective date.

56
 57 Be It Enacted by the Legislature of the State of Florida:
 58

59 Section 1. Subsections (1) and (2) of section 985.04,
 60 Florida Statutes, are amended to read:

61 985.04 Oaths; records; confidential information.—

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

74 (b) Such confidential and exempt information ~~and~~ may be
 75 disclosed only to the authorized personnel of the court, the
 76 department and its designees, the Department of Corrections, the
 77 Florida Commission on Offender Review, law enforcement agents,
 78 school superintendents and their designees, any licensed

79 professional or licensed community agency representative
 80 participating in the assessment or treatment of a juvenile, and
 81 others entitled under this chapter to receive that information,
 82 or upon order of the court.

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

98 (2)(a) Notwithstanding any other provisions of this
 99 chapter, the name, photograph, address, and crime or arrest
 100 report of a child:

101 1.(a) Taken into custody ~~if the child has been taken into~~
 102 ~~eustedy~~ by a law enforcement officer for a violation of law
 103 which, if committed by an adult, would be a felony;

104 2. Charged with a violation of law which, if committed by

105 an adult, would be a felony;

106 3. Found to have committed an offense which, if committed
 107 by an adult, would be a felony; or

108 4. Transferred to adult court pursuant to part X of this
 109 chapter,

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

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

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

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

119
 120 are shall not be considered confidential and exempt from s.
 121 119.07(1) solely because of the child's age.

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

126 Section 2. Subsections (3), (8), (9), and (10) of section
 127 943.053, Florida Statutes, are amended to read:

128 943.053 Dissemination of criminal justice information;
 129 fees.—

130 (3) (a) Criminal history information, ~~including information~~

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

144 (b)1. Criminal history information relating to a juvenile
145 compiled by the Criminal Justice Information Program from
146 intrastate sources shall be released as provided in this
147 section. Such information is confidential and exempt from s.
148 119.07(1) and s. 24(a), Art. I of the State Constitution, unless
149 such juvenile has been:

150 a. Taken into custody by a law enforcement officer for a
151 violation of law which, if committed by an adult, would be a
152 felony;

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

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

157 d. Transferred to adult court pursuant to part X of
158 chapter 985,
159
160 and provided the criminal history record has not been expunged
161 or sealed under any law applicable to such record.

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

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

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

172 b. The person to whom the record relates, or his or her
173 attorney;

174 c. The parent, guardian, or legal custodian of the person
175 to whom the record relates, provided such person has not reached
176 the age of majority, been emancipated by a court, or been
177 legally married; or

178 d. An agency or entity specified in s. 943.0585(4) or s.
179 943.059(4), for the purposes specified therein, and to any
180 person within such agency or entity who has direct
181 responsibility for employment, access authorization, or
182 licensure decisions.

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

196 3. All criminal history information relating to juveniles,
197 other than that provided to criminal justice agencies for
198 criminal justice purposes, shall be provided upon tender of fees
199 as established in this subsection and in the manner prescribed
200 by rule of the Department of Law Enforcement.

201 (d) The fee for access to criminal history information by
202 the private sector or a noncriminal justice agency shall be
203 assessed without regard to the size or category of criminal
204 history record information requested.

205 (e) ~~(b)~~ The fee per record for criminal history information
206 provided pursuant to this subsection and s. 943.0542 is \$24 per
207 name submitted, except that the fee for the guardian ad litem
208 program and vendors of the Department of Children and Families,

209 the Department of Juvenile Justice, and the Department of
210 Elderly Affairs shall be \$8 for each name submitted; the fee for
211 a state criminal history provided for application processing as
212 required by law to be performed by the Department of Agriculture
213 and Consumer Services shall be \$15 for each name submitted; and
214 the fee for requests under s. 943.0542, which implements the
215 National Child Protection Act, shall be \$18 for each volunteer
216 name submitted. The state offices of the Public Defender shall
217 not be assessed a fee for Florida criminal history information
218 or wanted person information.

219 (8) Notwithstanding ~~the provisions of~~ s. 943.0525, and any
220 user agreements adopted pursuant thereto, and notwithstanding
221 the confidentiality of sealed records as provided for in s.
222 943.059 and juvenile records as provided for in paragraph
223 (3)(b), the sheriff of any county that has contracted with a
224 private entity to operate a county detention facility pursuant
225 to ~~the provisions of~~ s. 951.062 shall provide that private
226 entity, in a timely manner, copies of the Florida criminal
227 history records for its inmates. The sheriff may assess a charge
228 for the Florida criminal history records pursuant to ~~the~~
229 ~~provisions of~~ chapter 119. Sealed records and confidential
230 juvenile records received by the private entity under this
231 section remain confidential and exempt from ~~the provisions of~~ s.
232 119.07(1).

233 (9) Notwithstanding ~~the provisions of~~ s. 943.0525, and any
234 user agreements adopted pursuant thereto, and notwithstanding

235 the confidentiality of sealed records as provided for in s.
236 943.059 and juvenile records as provided for in paragraph
237 (3) (b), the Department of Corrections shall provide, in a timely
238 manner, copies of the Florida criminal history records for
239 inmates housed in a private state correctional facility to the
240 private entity under contract to operate the facility pursuant
241 to ~~the provisions of~~ s. 944.105. The department may assess a
242 charge for the Florida criminal history records pursuant to ~~the~~
243 ~~provisions of~~ chapter 119. Sealed records and confidential
244 juvenile records received by the private entity under this
245 section remain confidential and exempt from ~~the provisions of~~ s.
246 119.07(1).

247 (10) Notwithstanding ~~the provisions of~~ s. 943.0525 and any
248 user agreements adopted pursuant thereto, and notwithstanding
249 the confidentiality of sealed records as provided for in s.
250 943.059 or of juvenile records as provided for in paragraph
251 (3) (b), the Department of Juvenile Justice or any other state or
252 local criminal justice agency may provide copies of the Florida
253 criminal history records for juvenile offenders currently or
254 formerly detained or housed in a contracted juvenile assessment
255 center or detention facility or serviced in a contracted
256 treatment program and for employees or other individuals who
257 will have access to these facilities, only to the entity under
258 direct contract with the Department of Juvenile Justice to
259 operate these facilities or programs pursuant to ~~the provisions~~
260 ~~of~~ s. 985.688. The criminal justice agency providing such data

261 may assess a charge for the Florida criminal history records
 262 pursuant to ~~the provisions of~~ chapter 119. Sealed records and
 263 confidential juvenile records received by the private entity
 264 under this section remain confidential and exempt from ~~the~~
 265 ~~provisions of~~ s. 119.07(1). Information provided under this
 266 section shall be used only for the criminal justice purpose for
 267 which it was requested and may not be further disseminated.

268 Section 3. Paragraph (b) of subsection (3) of section
 269 496.4101, Florida Statutes, is amended to read:

270 496.4101 Licensure of professional solicitors and certain
 271 employees thereof.—

272 (3)

273 (b) Fees for state and federal fingerprint processing and
 274 fingerprint retention fees shall be borne by the applicant. The
 275 state cost for fingerprint processing is that authorized in s.
 276 943.053(3)(e) ~~943.053(3)(b)~~ for records provided to persons or
 277 entities other than those specified as exceptions therein.

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

280 943.056 Criminal history records; access, review, and
 281 challenge.—

282 (1) For purposes of verification of the accuracy and
 283 completeness of a criminal history record, the Department of Law
 284 Enforcement shall provide, in the manner prescribed by rule,
 285 such record for review upon verification, by fingerprints, of
 286 the identity of the requesting person. If a minor, or the parent

287 or legal guardian of a minor, requests a copy of the minor's
288 criminal history record, the Department of Law Enforcement shall
289 provide such copy, including any portions of the record which
290 may be confidential under s. 943.053(3)(b), for review upon
291 verification, by fingerprints, of the identity of the minor. The
292 providing of such record shall not require the payment of any
293 fees, except those provided for by federal regulations.

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

298 110.1127 Employee background screening and
299 investigations.—

300 (4) Background screening and investigations shall be
301 conducted at the expense of the employing agency. If
302 fingerprinting is required, the fingerprints shall be taken by
303 the employing agency, a law enforcement agency, or a vendor as
304 authorized pursuant to s. 435.04, submitted to the Department of
305 Law Enforcement for state processing, and forwarded by the
306 Department of Law Enforcement to the Federal Bureau of
307 Investigation for national processing. The agency or vendor
308 shall remit the processing fees required by s. 943.053 to the
309 Department of Law Enforcement.

310 Section 6. For the purpose of incorporating the amendment
311 made by this act to section 943.053, Florida Statutes, in a
312 reference thereto, paragraph (a) of subsection (3) of section

313 373.6055, Florida Statutes, is reenacted to read:

314 373.6055 Criminal history checks for certain water
315 management district employees and others.—

316 (3)(a) The fingerprint-based criminal history check shall
317 be performed on any person described in subsection (1) pursuant
318 to the applicable water management district's security plan for
319 buildings, facilities, and structures. With respect to employees
320 or others with regular access, such checks shall be performed at
321 least once every 5 years or at other more frequent intervals as
322 provided by the water management district's security plan for
323 buildings, facilities, and structures. Each individual subject
324 to the criminal history check shall file a complete set of
325 fingerprints which are taken in a manner required by the
326 Department of Law Enforcement and the water management district
327 security plan. Fingerprints shall be submitted to the Department
328 of Law Enforcement for state processing and to the Federal
329 Bureau of Investigation for federal processing. The results of
330 each fingerprint-based check shall be reported to the requesting
331 water management district. The costs of the checks, consistent
332 with s. 943.053(3), shall be paid by the water management
333 district or other employing entity or by the individual checked.

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

338 408.809 Background screening; prohibited offenses.—

339 (6) The costs associated with obtaining the required
340 screening must be borne by the licensee or the person subject to
341 screening. Licensees may reimburse persons for these costs. The
342 Department of Law Enforcement shall charge the agency for
343 screening pursuant to s. 943.053(3). The agency shall establish
344 a schedule of fees to cover the costs of screening.

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

349 943.046 Notification of criminal offender information.—

350 (1) Any state or local law enforcement agency may release
351 to the public any criminal history information and other
352 information regarding a criminal offender, including, but not
353 limited to, public notification by the agency of the
354 information, unless the information is confidential and exempt
355 from s. 119.07(1) and s. 24(a), Art. I of the State
356 Constitution. However, this section does not contravene any
357 provision of s. 943.053 which relates to the method by which an
358 agency or individual may obtain a copy of an offender's criminal
359 history record.

360 Section 9. For the purpose of incorporating the amendment
361 made by this act to section 943.053, Florida Statutes, in a
362 reference thereto, paragraph (h) of subsection (2) of section
363 943.05, Florida Statutes, is reenacted to read:

364 943.05 Criminal Justice Information Program; duties; crime

365 reports.—

366 (2) The program shall:

367 (h) For each agency or qualified entity that officially
368 requests retention of fingerprints or for which retention is
369 otherwise required by law, search all arrest fingerprint
370 submissions received under s. 943.051 against the fingerprints
371 retained in the statewide automated biometric identification
372 system under paragraph (g).

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

377 2. To participate in this search process, agencies or
378 qualified entities must notify each person fingerprinted that
379 his or her fingerprints will be retained, pay an annual fee to
380 the department unless otherwise provided by law, and inform the
381 department of any change in the affiliation, employment, or
382 contractual status of each person whose fingerprints are
383 retained under paragraph (g) if such change removes or
384 eliminates the agency or qualified entity's basis or need for
385 receiving reports of any arrest of that person, so that the
386 agency or qualified entity is not obligated to pay the upcoming
387 annual fee for the retention and searching of that person's
388 fingerprints to the department. The department shall adopt a
389 rule setting the amount of the annual fee to be imposed upon
390 each participating agency or qualified entity for performing

391 these searches and establishing the procedures for the retention
392 of fingerprints and the dissemination of search results. The fee
393 may be borne by the agency, qualified entity, or person subject
394 to fingerprint retention or as otherwise provided by law.

395 Consistent with the recognition of criminal justice agencies
396 expressed in s. 943.053(3), these services shall be provided to
397 criminal justice agencies for criminal justice purposes free of
398 charge. Qualified entities that elect to participate in the
399 fingerprint retention and search process are required to timely
400 remit the fee to the department by a payment mechanism approved
401 by the department. If requested by the qualified entity, and
402 with the approval of the department, such fees may be timely
403 remitted to the department by a qualified entity upon receipt of
404 an invoice for such fees from the department. Failure of a
405 qualified entity to pay the amount due on a timely basis or as
406 invoiced by the department may result in the refusal by the
407 department to permit the qualified entity to continue to
408 participate in the fingerprint retention and search process
409 until all fees due and owing are paid.

410 3. Agencies that participate in the fingerprint retention
411 and search process may adopt rules pursuant to ss. 120.536(1)
412 and 120.54 to require employers to keep the agency informed of
413 any change in the affiliation, employment, or contractual status
414 of each person whose fingerprints are retained under paragraph
415 (g) if such change removes or eliminates the agency's basis or
416 need for receiving reports of any arrest of that person, so that

417 the agency is not obligated to pay the upcoming annual fee for
418 the retention and searching of that person's fingerprints to the
419 department.

420 Section 10. For the purpose of incorporating the amendment
421 made by this act to section 943.053, Florida Statutes, in a
422 reference thereto, paragraph (c) of subsection (2) of section
423 943.0542, Florida Statutes, is reenacted to read:

424 943.0542 Access to criminal history information provided
425 by the department to qualified entities.—

426 (2)

427 (c) Each such request must be accompanied by payment of a
428 fee for a statewide criminal history check by the department
429 established by s. 943.053, plus the amount currently prescribed
430 by the Federal Bureau of Investigation for the national criminal
431 history check in compliance with the National Child Protection
432 Act of 1993, as amended. Payments must be made in the manner
433 prescribed by the department by rule.

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

438 943.0543 National Crime Prevention and Privacy Compact;
439 ratification and implementation.—

440 (5) This compact and this section do not affect or abridge
441 the obligations and responsibilities of the department under
442 other provisions of this chapter, including s. 943.053, and do

443 not alter or amend the manner, direct or otherwise, in which the
444 public is afforded access to criminal history records under
445 state law.

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

450 985.045 Court records.—

451 (2) The clerk shall keep all official records required by
452 this section separate from other records of the circuit court,
453 except those records pertaining to motor vehicle violations,
454 which shall be forwarded to the Department of Highway Safety and
455 Motor Vehicles. Except as provided in ss. 943.053 and
456 985.04(6)(b) and (7), official records required by this chapter
457 are not open to inspection by the public, but may be inspected
458 only upon order of the court by persons deemed by the court to
459 have a proper interest therein, except that a child and the
460 parents, guardians, or legal custodians of the child and their
461 attorneys, law enforcement agencies, the Department of Juvenile
462 Justice and its designees, the Florida Commission on Offender
463 Review, the Department of Corrections, and the Justice
464 Administrative Commission shall always have the right to inspect
465 and copy any official record pertaining to the child. Public
466 defender offices shall have access to official records of
467 juveniles on whose behalf they are expected to appear in
468 detention or other hearings before an appointment of

469 representation. The court may permit authorized representatives
470 of recognized organizations compiling statistics for proper
471 purposes to inspect, and make abstracts from, official records
472 under whatever conditions upon the use and disposition of such
473 records the court may deem proper and may punish by contempt
474 proceedings any violation of those conditions.

475 Section 13. For the purpose of incorporating the
476 amendments made by this act to sections 943.053 and 985.04,
477 Florida Statutes, in references thereto, paragraph (b) of
478 subsection (1) of section 985.11, Florida Statutes, is reenacted
479 to read:

480 985.11 Fingerprinting and photographing.—

481 (1)

482 (b) Unless the child is issued a civil citation or is
483 participating in a similar diversion program pursuant to s.
484 985.12, a child who is charged with or found to have committed
485 one of the following offenses shall be fingerprinted, and the
486 fingerprints shall be submitted to the Department of Law
487 Enforcement as provided in s. 943.051(3)(b):

488 1. Assault, as defined in s. 784.011.

489 2. Battery, as defined in s. 784.03.

490 3. Carrying a concealed weapon, as defined in s.
491 790.01(1).

492 4. Unlawful use of destructive devices or bombs, as
493 defined in s. 790.1615(1).

494 5. Neglect of a child, as defined in s. 827.03(1)(e).

495 6. Assault on a law enforcement officer, a firefighter, or
496 other specified officers, as defined in s. 784.07(2)(a).

497 7. Open carrying of a weapon, as defined in s. 790.053.

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

499 9. Unlawful possession of a firearm, as defined in s.
500 790.22(5).

501 10. Petit theft, as defined in s. 812.014.

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

503 12. Arson, resulting in bodily harm to a firefighter, as
504 defined in s. 806.031(1).

505 13. Unlawful possession or discharge of a weapon or
506 firearm at a school-sponsored event or on school property as
507 defined in s. 790.115.

508

509 A law enforcement agency may fingerprint and photograph a child
510 taken into custody upon probable cause that such child has
511 committed any other violation of law, as the agency deems
512 appropriate. Such fingerprint records and photographs shall be
513 retained by the law enforcement agency in a separate file, and
514 these records and all copies thereof must be marked "Juvenile
515 Confidential." These records are not available for public
516 disclosure and inspection under s. 119.07(1) except as provided
517 in ss. 943.053 and 985.04(2), but shall be available to other
518 law enforcement agencies, criminal justice agencies, state
519 attorneys, the courts, the child, the parents or legal
520 custodians of the child, their attorneys, and any other person

521 authorized by the court to have access to such records. In
522 addition, such records may be submitted to the Department of Law
523 Enforcement for inclusion in the state criminal history records
524 and used by criminal justice agencies for criminal justice
525 purposes. These records may, in the discretion of the court, be
526 open to inspection by anyone upon a showing of cause. The
527 fingerprint and photograph records shall be produced in the
528 court whenever directed by the court. Any photograph taken
529 pursuant to this section may be shown by a law enforcement
530 officer to any victim or witness of a crime for the purpose of
531 identifying the person who committed such crime.

532 Section 14. The Legislature finds that it is a public
533 necessity that the criminal history information of juveniles,
534 who have not been adjudicated delinquent of a felony or who have
535 been found only to have committed misdemeanor offenses and
536 certain criminal history information relating to a juvenile
537 compiled by the Criminal Justice Information Program be made
538 confidential and exempt from s. 119.07(1), Florida Statutes, and
539 s. 24(a), Article I of the State Constitution under ss. 985.04
540 and 943.053, Florida Statutes. Many individuals who have either
541 completed their sanctions and received treatment or who were
542 never charged in the juvenile justice system have found it
543 difficult to obtain employment. The presence of an arrest or a
544 misdemeanor record in these individuals' juvenile past and
545 certain criminal history information relating to a juvenile
546 compiled by the Criminal Justice Information Program creates an

547 unnecessary barrier to becoming productive members of society,
548 thus frustrating the rehabilitative purpose of the juvenile
549 system. The Legislature therefore finds that it is in the best
550 interest of the public that individuals with juvenile
551 misdemeanor records are given the opportunity to become
552 contributing members of society. Therefore, prohibiting the
553 unfettered release of juvenile misdemeanor records and certain
554 criminal history information relating to a juvenile compiled by
555 the Criminal Justice Information Program is of greater
556 importance than any public benefit that may be derived from the
557 full disclosure and release of such arrest records and
558 information.

559 Section 15. This act shall take effect upon becoming a
560 law.