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HB 7009

2021 Legislature

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 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 943.053, F.S., which
 4 provides an exemption from public record requirements
 5 for juvenile information compiled by the Criminal
 6 Justice Information Program from intrastate sources;
 7 removing the scheduled repeal of the exemption;
 8 amending s. 985.04, F.S., which specifies that certain
 9 arrest records of juvenile offenders are not exempt
 10 from public record requirements; removing the
 11 scheduled repeal of the exemption; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraphs (b) and (c) of subsection (3) of
 17 section 943.053, Florida Statutes, are amended to read:

18 943.053 Dissemination of criminal justice information;
 19 fees.—

20 (3)

21 (b)~~1~~. Criminal history information relating to a juvenile
 22 compiled by the Criminal Justice Information Program from
 23 intrastate sources shall be released as provided in this
 24 section. Such information is confidential and exempt from s.
 25 119.07(1) and s. 24(a), Art. I of the State Constitution, unless

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26 | such juvenile has been:

27 | 1.a. Taken into custody by a law enforcement officer for a
 28 | violation of law which, if committed by an adult, would be a
 29 | felony;

30 | 2.b. Charged with a violation of law which, if committed
 31 | by an adult, would be a felony;

32 | 3.e. Found to have committed an offense which, if
 33 | committed by an adult, would be a felony; or

34 | 4.d. Transferred to adult court pursuant to part X of
 35 | chapter 985,

36 |

37 | and provided the criminal history record has not been expunged
 38 | or sealed under any law applicable to such record.

39 | ~~2. This paragraph is subject to the Open Government Sunset~~
 40 | ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
 41 | ~~on October 2, 2021, unless reviewed and saved from repeal~~
 42 | ~~through reenactment by the Legislature.~~

43 | (c)1. Criminal history information relating to juveniles,
 44 | including criminal history information consisting in whole or in
 45 | part of information that is confidential and exempt under
 46 | paragraph (b), shall be available to:

47 | a. A criminal justice agency for criminal justice purposes
 48 | on a priority basis and free of charge;

49 | b. The person to whom the record relates, or his or her
 50 | attorney;

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51 c. The parent, guardian, or legal custodian of the person
52 to whom the record relates, provided such person has not reached
53 the age of majority, been emancipated by a court, or been
54 legally married; or

55 d. An agency or entity specified in s. 943.0585(6) or s.
56 943.059(6), for the purposes specified therein, and to any
57 person within such agency or entity who has direct
58 responsibility for employment, access authorization, or
59 licensure decisions.

60 2. After providing the program with all known personal
61 identifying information, the criminal history information
62 relating to a juvenile which is not confidential and exempt
63 under this subsection may be released to the private sector and
64 noncriminal justice agencies not specified in s. 943.0585(6) or
65 s. 943.059(6) in the same manner as provided in paragraph (a).
66 Criminal history information relating to a juvenile which is not
67 confidential and exempt under this subsection is the entire
68 criminal history information relating to a juvenile who
69 satisfies any of the criteria listed in subparagraphs (b)1.-4.
70 ~~sub-subparagraphs (b)1.a.-d.~~, except for any portion of such
71 juvenile's criminal history record which has been expunged or
72 sealed under any law applicable to such record.

73 3. All criminal history information relating to juveniles,
74 other than that provided to criminal justice agencies for
75 criminal justice purposes, shall be provided upon tender of fees

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76 | as established in this subsection and in the manner prescribed
 77 | by rule of the Department of Law Enforcement.

78 | Section 2. Subsection (2) of section 985.04, Florida
 79 | Statutes, is amended to read:

80 | 985.04 Oaths; records; confidential information.—

81 | (2) (a) ~~1.~~ Notwithstanding any other provisions of this
 82 | chapter, the name, photograph, address, and crime or arrest
 83 | report of a child:

84 | 1.a. Taken into custody by a law enforcement officer for a
 85 | violation of law which, if committed by an adult, would be a
 86 | felony;

87 | 2.b. Charged with a violation of law which, if committed
 88 | by an adult, would be a felony;

89 | 3.c. Found to have committed an offense which, if
 90 | committed by an adult, would be a felony; or

91 | 4.d. Transferred to adult court pursuant to part X of this
 92 | chapter,

93 |
 94 | are not considered confidential and exempt from s. 119.07(1)
 95 | solely because of the child's age.

96 | (b)2. A public records custodian may choose not to
 97 | electronically publish on the custodian's website the arrest or
 98 | booking photographs of a child which are not confidential and
 99 | exempt under this section or otherwise restricted from
 100 | publication by law; however, this paragraph ~~subparagraph~~ does

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101 | not restrict public access to records as provided by s. 119.07.
102 | ~~(b) This subsection is subject to the Open Government~~
103 | ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
104 | ~~repealed on October 2, 2021, unless reviewed and saved from~~
105 | ~~repeal through reenactment by the Legislature.~~
106 | Section 3. This act shall take effect October 1, 2021.