

**STORAGE NAME:** h1771.jj.doc  
**DATE:** March 30, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
JUVENILE JUSTICE  
ANALYSIS**

**BILL #:** HB 1771  
**RELATING TO:** Juvenile Records/Confidentiality  
**SPONSOR(S):** Representative(s) Melvin

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) JUVENILE JUSTICE
  - (2) COUNCIL FOR SMARTER GOVERNMENT
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

Under current law, all information obtained pursuant to the official discharge of a duty under ch. 985, F.S., is confidential and may only be disclosed to persons authorized in statute. Generally, crime reports and arrest records – along with the name, address, and photograph – of juvenile offenders are not available to the public.

The bill removes the protection of confidentiality presently provided for the name, photograph, address, and arrest report of certain juvenile offenders.

The bill does not appear to have a fiscal impact to the state.

The bill provides an effective date of July 1, 2001.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |                             |   |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Under current law, all information obtained pursuant to the official discharge of a duty under ch. 985, F.S., is confidential and may only be disclosed to persons authorized in statute.<sup>1</sup> Generally, crime reports and arrest records – along with the name, address, and photograph – of juvenile offenders are not available to the public.<sup>2</sup> However, such information pertaining to juvenile offenders who have been:

(a) Taken into custody by a law enforcement officer for a violation which, if committed by an adult, would be a felony; or

(b) Found by the court to have committed three or more violations of law, which if committed by an adult, would be misdemeanors

is **not** considered confidential and exempt from the provisions of s. 119.07(1), F.S., solely because of the offender's age.

C. EFFECT OF PROPOSED CHANGES:

The bill removes the protection of confidentiality presently provided for the name, photograph, address, and arrest report of certain juvenile offenders.

D. SECTION-BY-SECTION ANALYSIS:

Please refer to the "Present Situation" and "Effect of Proposed Changes" sections, *supra*.

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<sup>1</sup> See s. 985.04(3), F.S.

<sup>2</sup> See s. 985.04(5), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority of municipalities or counties to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill would not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

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B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VI. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Staff Director:

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Lori Ager

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Lori Ager