

1                   A bill to be entitled  
2           An act relating to public records; amending s. 985.04,  
3           F.S.; providing that specified information concerning  
4           children under a certain age is confidential and  
5           exempt from s. 119.07(1), F.S., solely because of the  
6           child's age; providing for future legislative review  
7           and repeal; providing for the reversion of statutory  
8           text of certain provisions if the exemption is not  
9           saved from repeal; providing a statement of public  
10          necessity; providing a contingent effective date.

11  
12   Be It Enacted by the Legislature of the State of Florida:

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14          Section 1. Paragraph (a) of subsection (2) of section  
15   985.04, Florida Statutes, is amended to read:

16          985.04 Oaths; records; confidential information.—

17          (2)(a) Notwithstanding any other provisions of this  
18   chapter, the name, photograph, address, and crime or arrest  
19   report of a child 15 years of age or older at the time of the  
20   alleged offense:

21          1. Taken into custody by a law enforcement officer for a  
22   violation of law which, if committed by an adult, would be a  
23   felony;

24          2. Charged with a violation of law which, if committed by  
25   an adult, would be a felony;

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

28 4. Transferred to adult court pursuant to part X of this  
29 chapter,

30  
31 are not considered confidential and exempt from s. 119.07(1)  
32 solely because of the child's age. The expansion of the public  
33 records exemption under this paragraph to exclude information  
34 for children under 15 years of age is subject to the Open  
35 Government Sunset Review Act in accordance with s. 119.15 and  
36 shall stand repealed on October 2, 2027, unless reviewed and  
37 saved from repeal through reenactment by the Legislature. If the  
38 expansion of the exemption is not saved from repeal, this  
39 section shall revert to that in existence on June 30, 2022,  
40 except that any other amendments made to this section, other  
41 than by this act, are preserved and continue to operate to the  
42 extent that such amendments are not dependent upon the portions  
43 of text that expire under this subsection.

44 Section 2. The Legislature finds that it is a public  
45 necessity that the names, photographs, addresses, and crime or  
46 arrest reports of juveniles under 15 years of age under ss.  
47 985.04 and 943.053, Florida Statutes be made confidential and  
48 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
49 Article I of the State Constitution. The presence of an arrest  
50 or a criminal record in an individual's juvenile past and

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51 certain criminal history information relating to a juvenile  
52 creates an unnecessary barrier to becoming a productive member  
53 of society, thus frustrating the rehabilitative purpose of the  
54 juvenile system. The Legislature therefore finds that it is in  
55 the best interest of the public that individuals with juvenile  
56 records are given the opportunity to become contributing members  
57 of society. Therefore, prohibiting the unfettered release of  
58 information concerning juveniles under 15 years of age is of  
59 greater importance than any public benefit that may be derived  
60 from the full disclosure and release of such arrest records and  
61 information.

62 Section 3. This act shall take effect on the same date  
63 that HB 1259 or similar legislation takes effect, if such  
64 legislation is adopted in the same legislative session or an  
65 extension thereof and becomes a law.