

CALENDAR

W/lu

IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT, IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 07-00599 CA 21

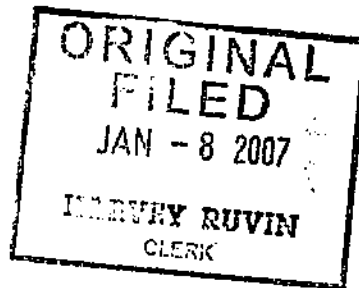
G.G., by and through her next friend and
parent,

Plaintiff,

v.

FLORIDA DEPARTMENT OF LAW
ENFORCEMENT,

Defendant.



**COMPLAINT FOR DECLARATORY RELIEF OR, IN THE ALTERNATIVE,
PETITION FOR THE ENTRY OF A WRIT OF PROHIBITION**

Plaintiff, G.G. (the "Juvenile"), by and through her respective next friend and parent, seeks declaratory relief pursuant to Chapter 86, Florida Statutes (2006) and, in addition, or in the alternative, seeks the issuance of a writ of prohibition requiring the Florida Department of Law Enforcement ("FDLE") to cease and desist in the sale of her confidential juvenile criminal record, and in support hereof, states as follows:

NATURE OF ACTION

1. This is an action brought by a 13-year-old child who was arrested for allegedly stealing a can of Coca-Cola and who has been harmed, and who is suffering continuing harm, by and as a result of FDLE's unauthorized and unlawful sale to the public of her confidential juvenile criminal arrest record.

2. The Juvenile has been detrimentally harmed by this dissemination of her criminal record because, among other things, FDLE has ignored the statutory scheme protecting these records from public disclosure by effectively placing her record into the public domain, making it readily available to potential employers, lenders and college-admission officers, among others. As a result, the Juvenile could well have this record used against her in her efforts to obtain employment, advance in her future employment, attend institutions of higher education and borrow money.

3. Absent court action, FDLE will continue selling confidential juvenile criminal records of juveniles throughout the State of Florida, including those of the Plaintiff G.G., effectively injuring not only the Plaintiff G.G. but thousands of other similarly situated juveniles.

4. The Juvenile seeks a declaration that FDLE's sale of her criminal record violates Section 985.04 and 943.053, Florida Statutes (2006). The Juvenile seeks, in addition, or in the alternative, the issuance of a writ of prohibition preventing the further sale and dissemination of her confidential juvenile criminal record.

PARTIES, JURISDICTION AND VENUE

5. Plaintiff G.G. is a minor who resides in Miami-Dade County and brings this action through her next friend and parent, also a Miami-Dade County resident.

6. FDLE, a public agency of the State of Florida, is governed by the Administrative Procedure Act, Chapter 120, Florida Statutes (2006).

7. FDLE has for some time sold and continues to sell and offer for sale to any person or business in Miami-Dade County, and elsewhere, confidential juvenile criminal records.

8. Venue of this action is proper pursuant to Section 47.011, Florida Statutes (2006).

9. Jurisdiction is proper pursuant to Section 86.011, Florida Statutes (2006).

10. Jurisdiction to issue a writ of prohibition is proper pursuant to Article V, Section 5(b) of the Florida Constitution.

11. All conditions precedent to the bringing of this action have occurred, have been performed, or have otherwise been waived.

GENERAL ALLEGATIONS

FDLE's Sale of the Juvenile's Criminal History Violates Florida Law

12. On October 15, 2006, G.G. was arrested for allegedly taking a can of Coca-Cola, valued at \$1.19, from a store without paying for it. This was the first time that she had been arrested for any offense.

13. Pursuant to Chapter 943, Florida Statutes (2006), FDLE maintains the Juvenile's criminal record, as well as the criminal records for other juveniles and adults throughout the State of Florida. Such criminal records include the name of the person arrested, the date and description of the offense charged against that person, the arresting agency, as well as physical characteristics and identifiers pertaining to the person charged.

14. The arrest record for the Juvenile has been and is currently being offered for sale to the public. A redacted copy of the Juvenile's respective criminal record, purchased online on November 4, 2006 from FDLE (at <https://www2.fdle.state.fl.us/cchinet/>), is attached at Composite Exhibit A.

15. Subject to limited exceptions, juvenile criminal arrest records are as a matter of law deemed confidential and not subject to public records disclosure. See § 985.04(3)(a), Fla. Stat. (2006). Nonetheless, FDLE retains the criminal records of certain serious or habitual juvenile offenders for five years following an offender's 21st birthday. The records of all other juvenile offenders are kept for five years following an offender's 19th birthday. Once a juvenile offender turns 18 and has obtained adult status, these records are considered expunged unless

and until the former juvenile, now an adult, has been charged with, or convicted of, a forcible felony. If this occurs, the juvenile record is resurrected and the offender's adult criminal record and juvenile criminal record are merged together and maintained permanently. A juvenile's criminal record is also not deemed to be expunged upon obtaining majority status if the juvenile was adjudicated as an adult for a forcible felony. *See* § 943.0515, Fla. Stat. (2006).

16. Regardless of the Florida statutory scheme making confidential and exempting from public records disclosure the criminal records of juveniles, FDLE has unilaterally and erroneously interpreted the Florida Statutes to authorize it to sell *all* juvenile criminal history information in its possession.

17. Pursuant to its erroneous interpretation of the law, FDLE is openly selling juvenile criminal history records to anyone in the United States willing to pay a \$23.00 fee, including national personal data service companies, jeopardizing the future of the Juvenile with respect to, among other things, job applications, job advancement, college admissions, and her credit.

18. As a direct consequence of FDLE's misapprehension of law, its unauthorized removal of confidential status afforded to the Juvenile's criminal record, and its wrongful sale of the Juvenile's criminal record, the Juvenile has been harmed for which there is no adequate remedy at law.

Juvenile Criminal Records are Protected Under Florida Law

19. The Florida legislature has provided for the confidentiality of juvenile criminal records in Section 985.04(3)(a), Florida Statutes (2006):

Except as provided in subsections (2), (4), (5), and (6) and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice any law enforcement agent is confidential and may be disclosed only to the authorized personnel of

[listed agencies] and others entitled under this chapter to receive that information, or upon order of the court.

20. Section 3(a) makes clear that only under certain limited circumstances are juvenile criminal records not confidential. The most notable exceptions are contained at Subsection (5) of Section 985.04, which provides:

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

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

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

(c) Transferred to the adult system pursuant to s. 985.227, indicted pursuant to s. 985.225, or waived pursuant to s. 985.226;

(d) Taken into custody by a law enforcement officer for a violation of law subject to the provisions of s. 985.227(2)(b) or (d); or

(e) Transferred to the adult system, but sentenced to the juvenile system pursuant to s. 985.233

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

§ 985.04(5), Fla. Stat. (2006).

21. The other exceptions to confidentiality in Section 985.04 are less expansive. Subsection (6) allows the victim of the crime to receive otherwise confidential information, but "information gained by the victim pursuant this chapter . . . must not be revealed to any outside party" § 985.04(6), Fla. Stat. (2006). Subsection (2) applies to criminal history information pertaining to certain serious felony offenses, but those records must be sealed and can be used only for "screening requirements for personnel" working in the child-care field. "The court may

punish by contempt any person who releases or uses [those] records for any unauthorized purpose.” § 985.04(2), Fla. Stat. (2006).

22. Likewise, Subsection (4) of Section 985.04 further permits the Department of Juvenile Justice to disclose the information in its records “only to other employees of the Department of Juvenile Justice who have a need therefore in order to perform their official duty; to other persons as authorized by the rule of the Department of Juvenile Justice; and upon request, to the Department of Corrections.” Furthermore, the Department of Juvenile Justice allows the inspection of its records for the purpose of statistical abstractions “*provided* adequate assurances are given that children’s names and other identifying information will not be disclosed by the applicant.” *Id.* (emphasis supplied).

23. However, confirming the legislature’s intention that juvenile records remain -- in the absence of a specific and limited statutory exception -- confidential, Subsection (4) of Section 985.04 provides:

Records in the custody of the Department of Juvenile Justice regarding children are not open to inspection by the public. Such records may be inspected only upon order of the Secretary of Juvenile Justice or his or her authorized agent by persons who have sufficient reason and upon such conditions for their use and disposition as the secretary or his or her authorized agent deems proper.

§ 985.04(4)(a), Fla. Stat. (2006).

FDLE’s Erroneous Interpretation of the Law

24. FDLE misinterprets subsection (3)(a) of an entirely different statute, Section 943.053, as bestowing upon it the unfettered authority to sell *all* juvenile delinquency records, even juvenile criminal records required to remain confidential pursuant to Section 985.04. Subsection (3)(a) of Section 943.053 provides:

Criminal history information, including information relating to minors, compiled by the Criminal Justice Information Program from intrastate sources shall be available on a priority basis to criminal justice agencies for criminal justice purposes free of charge. After providing the program with all known identifying information, persons in the private sector and noncriminal justice agencies may be provided criminal history information upon tender of fees as established in this subsection and in the manner prescribed by rule of the Department of Law Enforcement.

§ 943.053 (3)(a), Fla. Stat. (2006). Thus, in December, 2002, the FDLE, relying on this subsection, stated in a Memorandum written by its General Counsel (“2002 FDLE Memorandum”): “In brief, juvenile arrest records which are required to be reported to FDLE are public record, available on the same terms as are adult criminal history records.” A true and genuine copy of the 2002 FDLE Memorandum is attached as Exhibit B.

25. However, FDLE also acknowledged in the 2002 FDLE Memorandum that Section 943.053(3) is limited by retention schedules and expunction provisions contained in Section 943.0515. Specifically, FDLE expressed that Section 943.0515 acts as a “balance to concerns about the access to ‘juvenile’ records[.]” Thus, although FDLE acknowledges certain implicit limits to the scope of Section 943.053(3), it fails to recognize and enforce the explicit statutory limits imposed by Section 985.04.

26. Subsection (3) of 943.053 must also be read in conjunction with subsection (1), which expressly states that “The Department of Law Enforcement shall disseminate criminal justice information only in accordance with federal and *state laws*, regulations and rules.” Section 943.053(1), Fla. Stat. (2006) (emphasis added). Section 943.053(1) therefore on its face provides that releases of confidential juvenile criminal records under Subsection (3) are subject to other statutes making information confidential, such as Section 985.04, which specifically identifies which juvenile delinquency records are confidential and which records are not.

27. Further evidence demonstrating the Florida legislature's continuing intention to protect the confidential nature of juvenile criminal records is the legislature's consistency in amending and modifying, *but not repealing*, Section 985.04 almost every year for the past decade. *See* § 985.04, Fla. Stat. Ann. (Lexis) (listing amendments). The Florida legislature has had ample opportunities to weigh the value of maintaining the confidentiality of juvenile records against disclosing those records to the public. Each time this issue has been considered, the legislature has reaffirmed the basic protections of Sections 985.04, which expressly designate which juvenile criminal records are confidential and which can be released to the public.

COUNT I
(Declaratory Judgment)

28. The Juvenile realleges paragraphs 1 through 27 above.

29. On or about August 21, 2006, Carlos Martinez, the Chief Assistant Public Defender for the 11th Judicial Circuit of Florida, writing on behalf of all past and present juveniles then-similarly situated in Miami-Dade County, as well as on behalf of all juveniles who in the future might be adversely affected by FDLE's position regarding the broad public disclosures of juvenile criminal records (to include the Plaintiff in this case), asked FDLE to cease and desist from making public disclosure of juvenile criminal records except under the limited circumstances contemplated by the Florida legislature. Mr. Martinez provided to FDLE the Public Defender's Office internal legal memorandum detailing the reasons why the juvenile misdemeanor arrest information should not be sold or released to the public. Thereafter, FDLE, through its Assistant General Counsel, John P. Booth, responded by representing that FDLE did not intend to modify the position it had taken in the 2002 FDLE Memorandum and would continue to disclose juvenile misdemeanor arrest records.

30. In a letter dated October 17, 2006 addressed to Mr. John G. Marshall, Counsel Secretary for the Dade-Miami Criminal Justice Counsel, the FDLE, through its General Counsel,

Michael R. Ramage, confirmed its policy regarding the release of juvenile criminal history information to the public by stating that “all juvenile criminal history information *complied or maintained* by FDLE is a public record under Florida law regardless of whether the criminal history information pertains to a felony or a misdemeanor.” A copy of the October 17, 2006 letter is attached at Exhibit C.

31. A dispute currently exists between the Juvenile and FDLE, as the parties have an actual, present, adverse and antagonistic interest in the Juvenile’s right to the confidentiality of her criminal record.

32. Because the Juvenile is suffering a continuing harm, there exists a bona fide, actual present practical need for a declaration by this Court.

33. For the following reasons, the FDLE has willfully and unreasonably failed to comply with Section 985.04 by declassifying the Juvenile’s criminal record as confidential and selling her record to the public:

- a. The Juvenile’s criminal record does not fall within any of the exceptions listed in Section 985.04, and therefore should remain confidential as a matter of law;
- b. The Juvenile’s act would be considered a misdemeanor if committed by an adult;
- c. The Juvenile has committed less than three misdemeanors;
- d. The Juvenile has never been transferred to the adult system, or indicted, or waived into the adult criminal justice system; and
- e. The Juvenile has never been taken into custody by a law enforcement officer for a violation of the law pursuant to Sections 985.227(2)(b) or (d).

WHEREFORE, the Juvenile respectfully requests that this Court provide the following relief:

1. A declaration that this Court has jurisdiction of a real and active justiciable controversy between these parties;
2. A declaration that FDLE's sale of the Juvenile's criminal record is a violation of Sections 985.04 and 943.053;
3. An order compelling the FDLE and those acting on its behalf to immediately cease selling the Juvenile's confidential criminal record to the public; and
4. An order granting such other and further relief as this Court deems equitable and proper under the circumstances.

COUNT II
(Petition for Writ of Prohibition)

34. The Juvenile realleges paragraphs 1 through 27 above.-

35. The Juvenile petitions this Court for the issuance of a writ of prohibition requiring the FDLE to cease from selling her confidential juvenile criminal record to the public in contravention of Sections 985.04 and 943.053.

36. The Defendant's act of selling of the Juvenile's criminal record has harmed her as a result of being made public to anyone willing to pay a fee to acquire the information and will continue to cause harm to the Juvenile by jeopardizing her future with respect to job applications, college admissions, and her credit ratings.

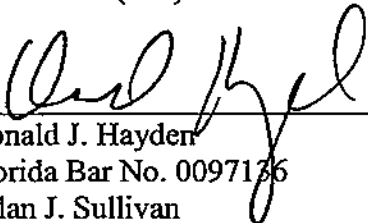
WHEREFORE, the Juvenile respectfully petitions this Court to enter an order directed to the FDLE to show cause as to why the Juvenile's requested relief, that the FDLE stop selling the

Juvenile's confidential criminal record, should not be granted in its entirety, and such other and further relief as this Court deems equitable and proper under the circumstances.

DATED this 9th day of January, 2007.

Respectfully submitted,

BAKER & McKENZIE LLP
Mellon Financial Center
1111 Brickell Avenue, Suite 1700
Miami, Florida 33131
Telephone: (305) 789-8920
Facsimile: (305) 789-8953



Donald J. Hayden
Florida Bar No. 0097136
Allan J. Sullivan
Florida Bar No. 0132810
Effie D. Silva
Florida Bar No. 0630535

)

A



Florida Department of Law Enforcement

Criminal History Information

Criminal History

Help for reading Criminal History/Rapsheet Help

Criminal History

--FLORIDA CCH RESPONSE--

ATN/ANONCCHINET/CCHINET/EFFIE D SI

FC.DLE/[REDACTED] PUR/P.ATN/ANONCCHINET/CCHINET/EFFIE D SI

SID NUMBER: [REDACTED] PURPOSE CODE:P PAGE: 1
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME,
A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR FUTURE USE

****THIS RECORD CONTAINS JUVENILE ARREST INFORMATION****

- FLORIDA CRIMINAL HISTORY -

NAME	STATE ID NO.	FBI NO.	DATE REQUESTED
[REDACTED]	[REDACTED]	[REDACTED]	12/22/2006

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	BIRTH PLACE	SKIN	DOC NO.
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

--CONTINUED--

SID NUMBER: [REDACTED] PURPOSE CODE:P PAGE: 2

F W 06/06/1993 4'10'' 090 BLK BLK NC
IN AFIS - 2

***** JUVENILE *****

ARREST- 1 11/06/2006 OBTS NO.-[REDACTED]

ARREST AGENCY-MIAMI BEACH POLICE DEPARTMENT (FL0130700)

AGENCY CASE-[REDACTED] OFFENSE DATE-

CHARGE 001-LARCENY-

PETIT THEFT

STATUTE/ORDINANCE-FL812.014 (3A) LEVEL-MISDEMEANOR, 2ND DEG

--CONTINUED--

SID NUMBER: [REDACTED] PURPOSE CODE:P PAGE: 3

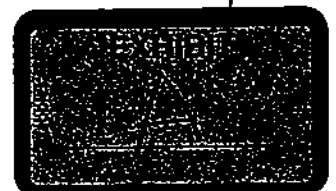
DISP-

THIS RECORD CONTAINS FLORIDA INFORMATION ONLY. WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT CONTRIBUTED THE RECORD INFORMATION. IF YOU DID NOT SUBMIT FINGERPRINTS, THIS RECORD IS PROVIDED AS A RESULT OF A NAME INQUIRY ONLY. POSITIVE IDENTIFICATION CAN ONLY BE VERIFIED BY SUBMISSION OF A FINGERPRINT CARD AND COMPARISON BY FDLE. THIS RECORD WAS REQUESTED PURSUANT TO 943.053 (3), F.S.

AS MANDATED BY FLORIDA STATUTE 119.071(5), FULL SOCIAL SECURITY NUMBERS ARE NOW EXEMPT FROM PUBLIC DISCLOSURE AND MAY BE DISCLOSED ONLY TO GOVERNMENTAL ENTITIES AND CERTAIN COMMERCIAL ENTITIES (UPON A SHOWING OF BUSINESS NECESSITY AS DEFINED BY THE LAW). FDLE WILL, HOWEVER,

--CONTINUED--

SID NUMBER: [REDACTED] PURPOSE CODE:P PAGE: 4



RELEASE THE LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER.

EXAMPLE: XXX XX 1234.

THIS CONTAINS FLORIDA RECORD ONLY.
UNKNOWN AS TO NATIONAL RECORD STATUS.
END OF RECORD

--END--

[Home](#)

[Back](#)

[New Search](#)

[Print History](#)

[Email History](#)

Email:

B



Florida Department of
Law Enforcement

Office of General Counsel

P.O. Box 1489
Tallahassee, Florida 32302
(850) 410-7676

James T. "Tim" Moore
Commissioner

ACCESS TO JUVENILE CRIMINAL HISTORY RECORDS (December, 2002)

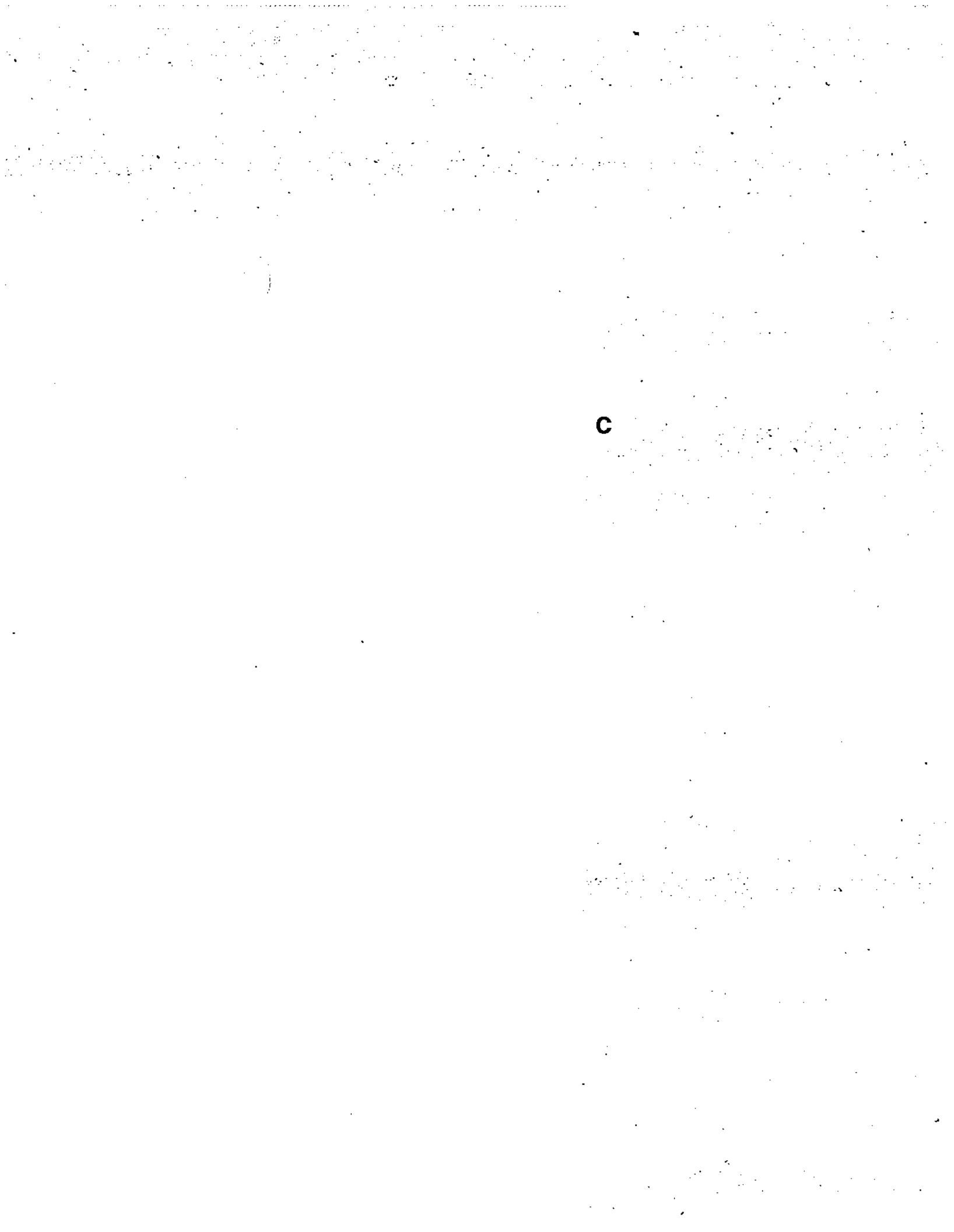
In Florida, all records are public unless specifically exempted (Article I, Section 24 of the Florida Constitution.) The criminal history records of minors for mandatory-reportable offenses (felonies and specified misdemeanors) in the custody of the Florida Department of Law Enforcement (FDLE) are not exempted from disclosure by statute or made confidential by the state Constitution.

Former Section 39.045(9), Florida Statutes, as amended effective October 1, 1994, by Chapter 94-209, Laws of Florida, provided that records of minors arrested for felonies were public, as construed in Florida Attorney General's Opinions 94-91 (November 14, 1994) and 95-19 (March 7, 1995). This law is currently found at Section 985.04(5), Florida Statutes (2002). Effective July 1, 1996, Section 943.053(3), Florida Statutes, was amended to provide that juvenile criminal history records for certain specified misdemeanors, as set out at Section 943.051(3)(b), Florida Statutes, are public as well. See Chapter 96-388, Section 21, Laws of Florida. Thus the Legislature has moved to expand public access to juvenile criminal history records, not restrict it. **In brief, juvenile arrest records which are required to be reported to FDLE are public record, available on the same terms as are adult criminal history records.** This reading of the law is confirmed by the legislative decision to make juvenile criminal history records eligible for court-ordered expunction and sealing, for the most part under the same conditions as adult records, as provided at Sections 943.0585 and 943.059, Florida Statutes.

As a balance to concerns about the access to "juvenile" records, the Legislature has created a shortened retention schedule found at Section 943.0515, Florida Statutes. The criminal history record of a minor who is classified as a serious or habitual juvenile offender or committed to a juvenile correctional facility or juvenile prison is retained for five (5) years after the offender reaches 21 years of age, at which time the record is normally expunged. The records of other juveniles are retained for five (5) years after the minor reaches 19 years of age, and are then normally expunged. However, if the person commits one of the types of serious offenses listed in s. 943.0515(2)(a) or (b), after reaching the age of 18, expunction will not occur. **If a juvenile avoids committing serious offenses as an adult, his or her juvenile record will be expunged by no later than when the person reaches the age of 26, and in most cases the age of 24.**

In 2001, a provision authorizing the expunction, as therein defined, of the criminal history records of minors who successfully complete a qualified diversion program was added at Section 943.0582, Florida Statutes. Other categories of juvenile records (e.g., Section 985.04(3)(a), Florida Statutes) are made confidential by law and exempt from disclosure. As can be seen from the above, the Legislature has balanced the competing philosophies regarding juvenile criminal history disclosure to provide public access while at the same time allowing a law-abiding adult to put a juvenile criminal history past behind him or her with the passage of time. -mr





FDLE

Florida Department of
Law Enforcement

Gerald M. Balley
Commissioner

Office of General Counsel

Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7678
www.fdle.state.fl.us

October 17, 2006

Mr. John G. Marshall
Council Secretary
Dade-Miami Criminal Justice Council
2525 NW 62 Street, 4th Floor
Miami, Florida 33147

Dear Mr. Marshall:

Thank you for inviting the Florida Department of Law Enforcement (FDLE) to attend the Council's meeting on October 27, 2006, in order to present and explain FDLE policy regarding the release of juvenile criminal history information to the public.

The following explanation of our policy is offered, which you may copy and distribute to the Council members.

FDLE's policy is that since July 1, 1996, all juvenile criminal history information compiled or maintained by FDLE is a public record under Florida law regardless of whether the criminal history information pertains to a felony or a misdemeanor. This policy is based on Section 943.053, Florida Statutes, discussed below.

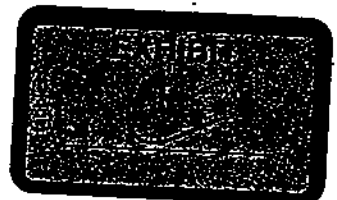
As most of your Council members know, in Florida, agency records are presumed public, unless expressly exempted by law. Section 943.053(3)(a), Florida Statutes (2006), which is the Florida Department of Law Enforcement's governing statute, provides in relevant part:

Criminal history information, including information relating to minors, compiled by the Criminal Justice Information Program from intrastate sources shall be available on a priority basis to criminal justice agencies for criminal justice purposes free of charge. After providing the program with all known identifying information, persons in the private sector and noncriminal justice agencies may be provided criminal history information upon tender of fees as established in this subsection and in the manner prescribed by rule of [FDLE]. (Emphasis added.)

Although our policy is based on FDLE's governing statute language, we also acknowledge that there are other statutory provisions pertaining to juvenile records that should be explained.

The main provision of law that also pertains to juvenile arrest records is Section 985.04(1), Florida Statutes. This section also provides language regarding confidentiality of juvenile criminal records, and other criminal justice agencies, who do not have another governing statute, utilize this provision in determining the confidentiality of these records.

Committed to
Service • Integrity • Respect • Quality



Section 985.04(1), Florida Statutes, allows access to juvenile arrest and offense reports, in general, but limits the disclosure of juvenile misdemeanor records. The distinction between the two statutes is that Chapter 943, which governs FDLE records, does not limit the disclosure of juvenile misdemeanor records but instead speaks to all criminal history information compiled by FDLE.

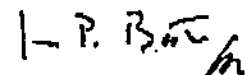
The basis for the public record status of juvenile misdemeanor records is the statutory law just discussed, having its origin in the amendments enacted by Chapter 96-388, Laws of Florida (Senate Bill 156, 1996 Session), to Section 943.053, and to (then) Chapter 39, effective July 1, 1996. Juvenile criminal history information compiled by FDLE was expressly excepted from the confidentiality imposed by (then) Section 39.045(5). That has been the law ever since.

Additionally, a review of the legislative staff analyses which accompanied the passage of Chapter 96-388, Laws of Florida, supports FDLE's current policy. The House Committee on Criminal Justice Final Bill Analysis for Chapter 96-388 (SB 156), dated August 9, 1996, refers to the new law as "[a]llowing law enforcement agencies to use juvenile criminal history information for law enforcement purposes and expanding the public's access to juvenile criminal history records." The same analysis comments that "Section 21 [of the Bill] amends ss. 943.053(3) and (4), F.S., to similarly treat the dissemination of adult and juvenile criminal history information."

The Senate Committee on Criminal Justice analysis for "Major Legislation Passed" during the "1996 Regular Session," describes SB 156 as "expand[ing] public access to juvenile records by providing that the records will be available as provided in ss. 39.045(9) and 943.053, F.S."

While a schedule conflict prevents me from attending your October 27th meeting, I would be pleased to attend a later meeting if that can be arranged. If you have any questions or concerns, please feel free to call me at (850) 410-7676.

Sincerely,



Michael R. Ramage
General Counsel