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PUBLIC RECORDS LEON CNTY FL
BK: R2640 PG: 00687
MAR 18 2002 10:16 AM
BOB INZER, CLERK OF COURTS

IN THE SECOND JUDICIAL CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2002-05

IN RE: CONFIDENTIALITY OF JUVENILE RECORDS

WHEREAS, United States armed forces recruiters have requested juvenile delinquency case information from several clerks of court in the Second Judicial Circuit to determine if the juveniles in question qualify for military service; and

WHEREAS, section 985.04(3)(a), Florida Statutes, states that, "...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, the Parole Commission, the Department of Corrections, the juvenile justice circuit boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential..."; and

WHEREAS, section 985.04(3)(a), Florida Statutes, further states that this confidential information may only be disclosed to, "... the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, law enforcement agents, school superintendents and their designees, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court"; and

WHEREAS, section 985.04(2), Florida Statutes, states that "...official records required by this part are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of juvenile justice and its designees, the Parole Commission, and the department of Corrections shall always have the right to inspect and copy any official record pertaining to the child"; and

WHEREAS, rule 2.051(c)(7), Florida Rules of Judicial Administration, states that records of the judicial branch and its agencies shall be confidential if they are, "... made confidential under the Florida and United States Constitutions and Florida and federal law"; and

WHEREAS, section 985.04(3), Florida Statutes, states that, "...All orders of the court entered pursuant to this part must be in writing and signed by the judge..."; it is therefore,

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ORDERED that juvenile records will released only to those authorized by statute and rule, and other requests for release of this information shall be directed to the chief judge. I find that United States armed forces recruiters have a proper interest in juvenile court records. I further find that the definition armed forces recruiter includes personnel employed by the United States Coast Guard as well as those of the traditional four armed forces. However, to balance this proper interest with the privacy rights of the juvenile and their family, I find that consent of both the parent or guardian, and consent of the child, must be evidenced by a notarized release signed by both parties and the military recruiter. The deputy clerk of court shall place the original of the release and a copy of this administrative order in the appropriate case file and subsequently release the requested juvenile information to the armed forces recruiter.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 12th day of March 2002.

William L. Gary
Chief Judge

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