

1                   A bill to be entitled  
 2           An act relating to expunging and sealing criminal  
 3           history records of minors; amending s. 943.0515, F.S.;  
 4           providing for the nonjudicial expunction of the  
 5           criminal history of an offense after a specified  
 6           period for a minor who is not a serious or habitual  
 7           juvenile offender; amending s. 943.0582, F.S.;  
 8           eliminating a deadline for submission of an  
 9           application by a minor for a prearrest or postarrest  
 10          diversion expunction; providing an effective date.

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

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 14           Section 1. Paragraph (b) of subsection (1) of section  
 15           943.0515, Florida Statutes, is amended to read:

16           943.0515 Retention of criminal history records of minors.—

17           (1)

18           (b) If the minor is not classified as a serious or  
 19           habitual juvenile offender or committed to a juvenile  
 20           correctional facility or juvenile prison under chapter 985, the  
 21           program shall retain the minor's criminal history record  
 22           concerning an offense for 5 years after the date of the offense  
 23           ~~the minor reaches 19 years of age~~, at which time the record  
 24           shall be expunged unless it meets the criteria of paragraph  
 25           (2) (a) or paragraph (2) (b).

26           Section 2. Subsections (3) and (4) of section 943.0582,

27 Florida Statutes, are amended to read:

28 943.0582 Prearrest, postarrest, or teen court diversion  
29 program expunction.—

30 (3) The department shall expunge the nonjudicial arrest  
31 record of a minor who has successfully completed a prearrest or  
32 postarrest diversion program if that minor:

33 (a) Submits an application for prearrest or postarrest  
34 diversion expunction, on a form prescribed by the department,  
35 signed by the minor's parent or legal guardian, or by the minor  
36 if he or she has reached the age of majority at the time of  
37 applying.

38 ~~(b) Submits the application for prearrest or postarrest~~  
39 ~~diversion expunction no later than 12 months after completion of~~  
40 ~~the diversion program.~~

41 (b)(e) Submits to the department, with the application, an  
42 official written statement from the state attorney for the  
43 county in which the arrest occurred certifying that he or she  
44 has successfully completed that county's prearrest or postarrest  
45 diversion program, that his or her participation in the program  
46 was based on an arrest for a nonviolent misdemeanor, and that he  
47 or she has not otherwise been charged by the state attorney with  
48 or found to have committed any criminal offense or comparable  
49 ordinance violation.

50 (c)(d) Participated in a prearrest or postarrest diversion  
51 program that expressly authorizes or permits such expunction to  
52 occur.

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53        (d)~~(e)~~ Participated in a prearrest or postarrest diversion  
54 program based on an arrest for a nonviolent misdemeanor that  
55 would not qualify as an act of domestic violence as that term is  
56 defined in s. 741.28.

57        (e)~~(f)~~ Has never, prior to filing the application for  
58 expunction, been charged by the state attorney with or been  
59 found to have committed any criminal offense or comparable  
60 ordinance violation.

61        (4) The department may ~~is authorized to~~ charge a \$75  
62 processing fee for each request received for prearrest or  
63 postarrest diversion program expunction, for placement in the  
64 Department of Law Enforcement Operating Trust Fund, unless such  
65 fee is waived by the executive director.

66        Section 3. This act shall take effect July 1, 2016.